



SPECIAL MEETING OF THE SAN MARCOS ZONING BOARD OF ADJUSTMENTS

Thursday, October 29th, 2020 5:45 P.M.

Due to COVID-19, this will be a virtual meeting. For more information on how to observe the virtual meeting, please visit: <http://sanmarcostx.gov/1119/Zoning-Board-of-Adjustments>.

Michael Nolen, Chair
Wayman Jones, Member
Gary Pack, Member
Floyd Akers, Alternate

Gloria Fortin, Vice Chair
Nicholas Costilla, Member
Chana Temple, Alternate

AGENDA

1. Call to order.
2. Roll call.
3. Chairperson's Opening Remarks.
4. Citizen Comment Period. Persons wishing to comment during the citizen comment period must submit their written comments to planninginfo@sanmarcostx.gov no later than 1:00 pm on the day of the meeting. Timely submitted comments will be read aloud during the citizen comment portion of the meeting. Comments shall have a time limit of three minutes each. Any threatening, defamatory, or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read.
5. VR-20-07 Hold a public hearing and consider the appeal, by Edward Newman of the decision of the Historic Preservation Commission denying a request for a Certificate of Appropriateness to allow the demolition of the historic-age detached garage located at the rear of the property along the alley and construct a new two-car garage with an accessory dwelling unit in the same location on the property at 317 Scott Street. (W.Parrish)
6. Adjourn.

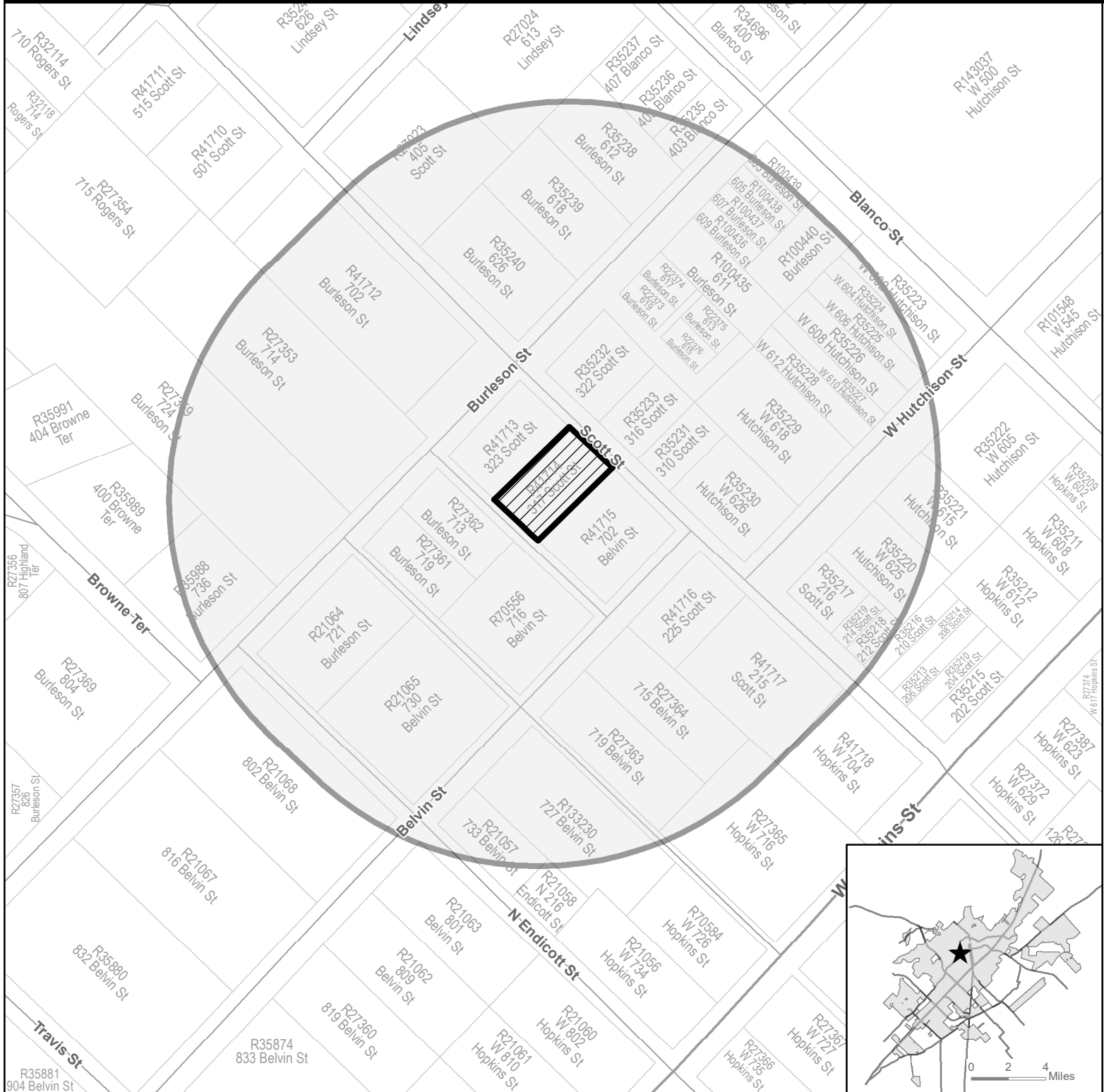
NOTE: The Zoning Board of Adjustments may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Zoning Board of Adjustments may also publicly discuss an item listed on the agenda for Executive Session.





The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

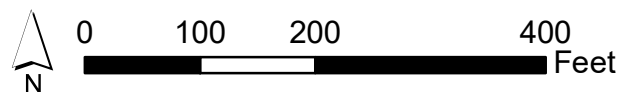
VR-20-07

400' Notification Buffer

317 Scott Street (Garage)



- ★ Site Location
-  Subject Property
-  400' Buffer
-  Parcel
-  City Limit



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 7/21/2020

VR-20-07
317 Scott Street
Appeal the decision of the
Historic Preservation
Commission



Applicant Information:

Applicant: Edward Newman
317 Scott Street
San Marcos, TX 78666

Property Owner: Same

Applicant's Request: An appeal of the decision of the Historic Preservation Commission at their September 24, 2020 meeting denying a request for a Certificate of Appropriateness allowing the demolition of the historic-age detached garage located at the rear of the property along the alley and construct a new two-car garage with an accessory dwelling unit in the same location on the property at 317 Scott Street.

Notification: Personal notification mailed on October 16, 2020 to all property owners within 400 ft. of subject property as well as the applicant.

Citizen Response: Staff received no response as of the date of this report.

Subject Property:

Location: 317 Scott Street
San Marcos, TX 78666

Legal Description: South ½ of Lot 4, Block 1, John Scott Subdivision

Current Zoning: SF-6

Current Land Use: Residential

Surrounding Area:

Proximity	Current Zoning	Existing Land Use
N of Property	SF-6	Residence
E of Property	SF-6	Residence
S of Property	SF-6	Residence
W of Property	SF-6	Residence

Background

The subject property is located on Scott Street between Burleson Street and Belvin Street, and is within the Burleson Street Historic District. The applicant has appealed the decision of the Historic Preservation Commission (HPC) denying a Certificate of Appropriateness to demolish and replace the existing detached garage with a new two story garage that has an Accessory Dwelling Unit on the second floor.

In the scope of work the applicant states that the existing structure is in severe disrepair, not insurable, and is not suitable to garage an average sized vehicle. The *My Historic SMTX* database notes that the garage is of historic age but does not list a date of construction for the structure. The garage is located at the rear of the property and is accessed by the rear alley. The applicant provided elevations of the proposed building.

At the September 24, 2020 meeting, Staff recommended approval of the submitted request, however, the Historic Preservation Commission approved a motion to deny the request for a Certificate of Appropriateness on the basis that the request was not consistent with the Secretary of the Interior's Standards for Rehabilitation, Standards 1,2,3,4,5,6,9, and 10.

On October 4, 2020 the applicant submitted an application for appeal of this decision.

The following information is provided with this report for consideration by the Board:

- Justification of the Appeal by the Applicant
- Minutes from September 24, 2020 HPC meeting
- Application for Certificate of Appropriateness
- Staff Report and back up materials from September 24, 2020 HPC meeting
- Transcript from the September 24, 2020 HPC meeting

Authority of the Zoning Board of Adjustments / Appeal Procedure

Section 2.5.5.5 of the San Marcos Development Code

This section of the SMDC gives the ZBOA authority to finally decide appeals on Certificates of Appropriateness.

Section 2.5.5.5(B) of the San Marcos Development Code

This section of the SMDC outlines the procedure for appeal of a final decision of the HPC

Supplemental Procedure. In considering the appeal the Zoning Board of Adjustments shall:

- (1) Review the record of the proceeding from which an appeal is sought;
- (2) Receive an overview of the case from the responsible official including previous recommendations from City Staff and the decision of the Historic Preservation Commission;
- (3) Hear arguments from the party appealing the decision of the Historic Preservation Commission; and
- (4) Remand the matter back to the Historic Preservation Commission when testimony and evidence is presented that was not previously presented at the time of the hearing before the Historic Preservation Commission.

Criteria on Appeal.

- (1) The board shall apply the substantial evidence test to the decision of the Historic Preservation Commission;
- (2) The burden of proof before the board shall be on the appealing party, who must establish that the record reflects the lack of substantial evidence in support of the decision of the Historic Preservation Commission;
- (3) The board may not substitute its judgment for the judgment of the Historic Preservation Commission on the weight of the evidence on issues committed to the commission's discretion.

Applicable Motions

The board may:

Affirm, reverse or modify the decision of the HPC to deny the certificate of appropriateness; or

Remand the matter back to the HPC when testimony and evidence is presented that was not previously presented at the time of the hearing before the Historic Preservation Commission.

If the Board reverses the decision of the Historic Preservation Commission, all requirements in other City codes must be met and all applicable permits must be obtained.

Prepared by:

Will Parrish, AICP, CNU-A

Planner

October 21, 2020

APPEAL APPLICATION FORM

Updated: October, 2019

Associated Case # _____-_____-_____



CONTACT INFORMATION

Appellate Name		Appellate Mailing Address	
Company		Company	
Appellate Phone #		Appellate Email	

ORIGINAL APPLICATION INFORMATION

Subject Property Address: _____

Original Application Type: _____

REASON FOR APPEAL

I am: ☐ The applicant ☐ Influenced by the proposed change

Briefly describe the reason for appeal (attach additional pages if needed):

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Appeal, if residence is located within 400ft of the subject property:

Filing Fee \$106

Technology Fee \$13

TOTAL COST \$119

All other appeals:

Filing Fee \$634

Technology Fee \$13

TOTAL COST \$647

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

Submit Appeal Application to: planninginfo@sanmarcostx.gov

October 4, 2020

317 Scott Street, San Marcos TX 78666

Associated Case # HPC-20-19

San Marcos ZBOA Reason for Appeal

Purpose of Proposed Project:

Our family is in great need of two specific things: A garage to park our vehicles safely and off the street in front of our house and additional living space for our family. When we first purchased this house in 2016, we immediately identified this need but at the time the City was in the process of adopting a new "Smart Code" and we were advised to hold off attempting to gain approval for this project until later once the "Smart Code" issue was resolved. Since then, our family has had to endure threats of violence as well as purposeful damage to our property from a neighbor who is extremely upset by the fact that we have no other choice but to park our vehicle in front of our house. What we wanted most is to provide additional living and gathering space for our family. We have lived here for the past four years and have no plans on moving or renting out any of our home or future home. We have a family of five and a three-bedroom home is just not big enough. We need space for our family to continue to grow as in-laws seem to be in the near future and we want to enjoy Thanksgiving, Christmas' and all the holidays with room for everyone. It is very sad that it has taken so many months of arguing against a family just trying to please the neighborhood as well as making family time a priority for us. We had hoped for this project to be complete by Christmas but unfortunately the delays will not allow it this year.

Purpose of our Appeal:

Our appeal of the HPC denial of our Certificate of Appropriateness (COA) request is based on four main reasons:

- Inconsistent and Unfair Practices of the HPC
- Unnecessarily delaying our original request for the COA from the HPC due to alleged notification errors that infuriated many members of the community resulting in several letters in opposition thus negatively impacting fair consideration of our proposal
- HPC Commissioner decision being based on issues outside of their responsibility and authority on the HPC with no substantial evidence presented that supports their decision
- HPC Abuse of Discretion

Detailed Reasons for Appeal:

- 1) Inconsistent and Unfair Practices of the HPC** - In May 2018, the nearly exact same project located at 803 W. Hopkins Street was proposed to the HPC and a

COA was issued without objection by any of the HPC commissioners on June 7, 2018 (HPC-18-12). The project consisted of demolishing an existing garage and replacing it with a new garage and a second floor living area located on Endicott Street. The majority of the same HPC commissioners were on the HPC at that time and the major difference between this project and ours is their garage is located on the corner of one of the busiest streets in San Marcos (Hopkins) and Endicott Street gaining significant attention whereas ours is located in the middle of a rarely traveled and often described as "treacherous" alley due to the number of potholes.

- 2) Unnecessarily delaying our original request for the COA from the HPC due to alleged notification errors that infuriated many members of the community resulting in several letters in opposition thus negatively impacting fair consideration of our proposal** – We feel that the notification procedure followed for the HPC does not seem to meet the needs of the community and thus negatively impacted consideration of our proposal based on statements made during the meeting, comments in letters of opposition and comments made after meeting with numerous neighbors. There were officially seven members of the public in opposition to our project and five in favor, along with Ms. Coppoletta who spoke in opposition during our meeting. Several letters in opposition and Ms. Coppoletta stated significant frustration that they either were not informed of the proposed project, too little information was provided or they were not given ample time to consider and respond to the project and based on conversations with every person in my neighborhood who stated opposition to the project (with the exception of one person who has been out of town for 6 months and not available to discuss the project), they said that the notification errors actually was the main reason for not supporting our proposed project. It stands to reason that if these neighbors felt strongly enough to write a letter or actually attend the meeting and voice their concern, that this pressure to a volunteer civic group certainly could have swayed their decision to deny a project in the days leading up to the September 24th Meeting and certainly makes sense when the HPC Chair immediately made a motion to reject the proposal without comment / discussion and failed to provide any substantial evidence to support his decision.
- 3) HPC Commissioner decision being based on issues outside of their responsibility and authority on the HPC with no substantial evidence presented that supports their decision** - A significant amount of time was spent with the Historical Preservation Officer and other staff members at the City of San Marcos many months prior to the HPC Meeting to make sure the project met both City Code and historical standards. The Historical Preservation Officer fully recommended that our proposed project met the requirements of the Secretary of the Interior's Standards for Rehabilitation 1, 2, 3, 4, 5, 6, 9, and 10 which was detailed in the report provided to the HPC with comments addressing each standard. Considering that these individuals are employed as subject matter experts based on both their education and professional experience, and because

the volunteer HPC was not willing to discuss, consider or even offer any explanation of their opinions as to why the proposed project does not meet any of the same standards suggests that their opinions may be biased based on issues outside of their responsibility and authority. The only comments made by HPC Commissioners during the meeting related to 1) renovate rather than demolish the existing garage designated as unsafe and uninsurable which would not provide any additional parking or space for our family, and remain as a potential danger to my family, 2) concern about student renters in the neighborhood and 3) increased traffic in the alley further confirming our concern that HPC Commissioners possibly made their decision based on issues outside of their responsibility and authority rather than substantive concern for historic preservation. It seemed that the only legitimate historical preservation opinion raised was by Mr. Rodney van Oudekerke, who was the prior chair of the HPC, and wrote in a letter that was echoed by a few other letters in opposition noting concern regarding the height being inconsistent with Standard 9. However, since I said that we were fully willing and continue to be willing to alter the design to address any specific historic preservation concerns, I provided a new lower pitch roof (4/12) design that was allowed by the Assistant City Attorney and presented by Ms. Brake as an alternative to the HPC during the September 24th Meeting which seemed to be inconsequential and was ignored by the HPC Commissioners. It should also be mentioned that this change in design has since fully resolved Mr. van Oudekerke's concern related to the project that he now fully supports along with every other neighbor I have spoken to which as presented reduces the height from 26 to 24 feet as compared to our 21' home height. This presented change fully meets the San Marcos Code requirement in addition to the proposed ADU being less than 50% of the size of my home and the total impervious cover being only 45% complying with both of the two other San Marcos Code requirements related to size reflecting that adding the structure in no way "dwarfs" our home. However, the HPC didn't seem to care about these efforts made and was unwilling to explain or express any opinions why our proposal still did not meet Standards 1, 2, 3, 4, 5, 6, 9, and 10, only suggesting that I should "work with staff" who already recommended and continues to recommend that our proposed project fully meets all of these standards.

- 4) HPC Abuse of Discretion** – considering the inconsistent and unfair practices of the HPC related to the majority of the same HPC commissioners appearing to "cherry pick" approval of similar projects but not others and certainly not based on the same standards, the frustration by numerous community members reflective of the HPC not having and/or following desirable and consistent community notification standards for proposed projects, the HPC Commissioner decisions apparently being based on issues outside of their responsibility and authority on the HPC and not providing any substantial evidence to support their decision, it appears that an abuse of commissioner discretion is apparent and further reflective in the HPC not presenting any valid explanation of the seven of

the ten Secretary of the Interior's Standards for Rehabilitation that they stated directed their decision although experts employed by the City recommended approval of our project providing specific comments related to the same standards.

Additional Background Information:

My wife Kelly and I purchased our home at 317 Scott Street in 2016, and immediately approached the City about demolishing our existing garage because 1) it is not designed to accommodate the size of a typical mid-sized vehicle, 2) it only has a single parking space and most importantly 3) due to the unsafe condition of the structure that was not constructed based on any current or prior building codes or standards with what appears to be scrap lumber apparently back in the 1950's that was determined by our insurance carrier as being dangerous and uninsurable, and constructing a new garage with two bedrooms to accommodate our family but we were advised to hold off due to the "Smart Code" issue previously mentioned was resolved. So, over the next year and a half, we requested and were issued a building permit to make significant renovations to our home that had become severely in disrepair after being rented to college students for many years prior with very little to no maintenance provided. Our renovations have come at a significant cost including a new foundation, reconstructing the entire interior, adding a master bedroom, master bathroom and master closet to the structure, replacing rotten framing, flooring, and siding, interior and exterior paint, and adding a new roof. Our renovation investment is estimated to be over \$75,000 thus far in an attempt to create a safe and healthful home for us and our three children and all changes that were made were inspected and approved by the City.

We completed the renovation in 2019, and then began the process of spending several months and countless hours working with Alison Brake, Historical Preservation Officer & Planner, Matthew Johnson, Senior Planning Technician, Amanda Hernandez, Development Services Manager, Andrea Villalobos, Planner, Amanda Padilla, Planning-Permit Technician and several other staff members at the City to assure our plan met all applicable codes and standards and fulfilled each of the ten Secretary of the Interior's Standards for Rehabilitation. We originally submitted our request for a COA on July 2, 2020, and due to multiple notification errors, our hearing was delayed until September 24, 2020.

It was and remains the position of the City of San Marcos as presented by Alison Brake being the Historical Preservation Officer and our local subject matter expert that the San Marcos Development Code allows for accessory dwelling units as a limited use within single-family zoning districts subject to the standards within Section 2.1.3.1(b). The accessory dwelling unit as proposed meets these standards and our proposal fulfilled all ten of the Secretary of the Interior's Standards for Rehabilitation however, the HPC Chair Ryan Perkins immediately made a motion to reject our request based on his opinion that our proposal did not meet the requirements of Standards 1, 2, 3, 4, 5, 6, 9, and 10 not addressing and disregarding the recommendation from the City Staff and without

providing any substantial evidence to support the decision of the Commission. In response to a few letters of protest and my meeting with these concerned neighbors, an alternative plan was also presented by Ms. Brake to addresses the only mentioned historic preservation concern made via public comment being a concern related to the height of the structure which occurred in an attempt to match the roof pitch of the existing home which was recommended by City Staff.

By immediately making the motion to reject the project, Mr. Perkins was clearly attempting to persuade the other members of the HPC that this project was unworthy of any discussion or consideration. The Assistant City Attorney then was forced to interject that the motion would have to wait until after further discussion, although when I mentioned that I would be glad to consider any construction material changes, use of all salvageable materials from the demolished unsafe structure or other design changes to be added as specific conditions to address their concerns, Mr. Perkins said it was not the job of the HPC to consult with neighbors in the community regarding their opinions of compliance for the ten Secretary of the Interior's Standards for Rehabilitation, and that I should work with City Staff. However, when I attempted to gain input from the City Staff after the meeting, they still felt in their expert opinion that our proposal fully remains to meet all the requirements of Standards 1, 2, 3, 4, 5, 6, 9, and 10.

Although not at all related to Historic Preservation or Zoning, the only member of the public who spoke in opposition to our proposal during the September 24th meeting was Lisa Marie Coppoletta who stated that a motion should be made to not allow me to speak during the meeting since no one in the neighborhood wanted my proposal, I obviously did not care about my neighborhood and did not care about my neighbors since I made no emotional plea. I then explained that each of our immediate neighbors actually do support our project and most have submitted letters in support. The garage is important to our family so to 1) stop a convicted felon who rents an apartment at 126 Scott Street from threatening to kill me and my family, destroy our property and continue to harass us due to being frustrated that I have been forced to **legally** parking my truck in front of our home because it won't fit in the existing garage or on our driveway as we await the approval of the proposed garage which the SMPD has received multiple reports, 2) I have thus far incurred \$2400 in damages to my truck, invested over \$1000 in surveillance cameras and monitoring services and have now been forced to park my vehicle at a storage over 3 miles away, 3) I have three children including one with autism who most likely will need to live with my wife and I our whole lives, is now a substitute teacher in the Lockhart ISD and is working on his Master's Degree in Special Education at Texas State, a second son who graduated in December from Texas State, was scheduled to attend the most recent Austin Police Cadet Academy while remaining to live with us but the cadet class was cancelled due to police defunding and now is actively trying to attend any other available cadet class opportunity in the area. We also have a daughter attending Sam Houston State University who currently has no place to sleep other than a couch. Our hope was to have a place for everyone to sleep in our home by Christmas this year which appears to no longer be a possibility.

In addition to reaching out to every neighbor who voiced a concern about our proposed project, a few days after the meeting, I spoke to Ms. Coppoletta who said she was completely unaware of our situation, was very upset with the City and the issues related to improper notification, stated that many neighbors suggested to her that I was only a developer just trying to make money off my renovation and said she would be glad to support our proposal even assisting in preparing our appeal. This seems to be a common issue shared with all our neighbors and each of the neighbors who wrote letters in opposition, that their fight is apparently not with us, but with the HPC and/or the City.

Conclusion:

In conclusion, we feel that our family, like any neighbor is only looking for fair consideration for a request to a volunteer board of civic minded individuals. Being a family owning a home in the Historical District of San Marcos, we love our neighborhood and want it to have an effective process that assures the integrity of our beautiful neighborhood is maintained and that only safe and appropriate improvements, additions and renovations are made based on standards that can be explained. Also, being someone who is currently the President of a non-profit Board of Directors and has been actively volunteering my time and treasure to civic associations consistently for the last 30 years, I fully respect individuals who volunteer their time towards improving our community. However, it is unfair to our citizens when these groups do not consistently follow the same guidelines, attempt to pick winners and losers based on their relationships or other considerations outside their scope of their responsibility and their intentions appear to not be focused on truly helping our neighbors and making sure our community remains a wonderful place to live.

I asked the San Marcos ZBOA Board to accept our appeal and grant a COA to approve our project based on the fact that the merits of this proposed project including the historical preservation aspects as recommended by the Historical Preservation Officer are consistent with the goals and objectives of the City of San Marcos to maintain the historical integrity of our neighborhood. We fully plan to and are glad to include using all salvageable materials of the existing garage into our design, we are happy to match the existing garage batten board design instead of our home's existing craftsman wood lap siding and adding a metal roof if preferred by the ZBOA and as also presented to and ignored by the HPC. We are more than willing and welcome compromise. Our goal from the beginning of this project is simple, replace a dangerous and unsafe existing structure with a building that our neighbors can be proud of being in our neighborhood that can house two of our vehicles and two of our sons. Thank you for your consideration.



CITY OF SAN MARCOS

Meeting Minutes

Historic Preservation Commission

Thursday, September 24, 2020

5:45 PM

Virtual Meeting

Due to COVID-19, this was a virtual meeting. For more information on how to observe the virtual meeting, please visit:

<https://sanmarcostx.gov/2861/Historic-Preservation-Commission-VideosA>

I. Call To Order

With a quorum present the special meeting of the San Marcos Historic Preservation Commission was called to order at 5:45 p.m. on Thursday, September 24, 2020.

II. Roll Call

Present 6 – Commissioner Perkins, Commissioner Dake, Commissioner Holder, Commissioner Arlinghaus, Commissioner Meyer, and Commissioner Kennedy

Absent 0

III. 30 Minute Citizen Comment Period:

Lisa Marie Coppoletta, 1322 Belvin Street, stated that her previous comments were directed at the former Chair of the Commission and not the Commission as a whole. She was disappointed that the historic resources survey had not been rolled out yet or ameliorated in the LDC. She said that her sense was the people on the Commission now care deeply about the citizens and the historic preservation of the city. She stated that it was offensive that developers are held to a higher standard than the city when it comes to tree protection and sidewalk projects.

Chair Perkins closed the Citizen Comment Period.

PUBLIC HEARINGS

- 2. HPC-20-19 (317 Scott Street) Hold a public hearing and consider a request for a Certificate of Appropriateness by Edward Newman to allow the demolition of the historic-age detached garage located at the rear of the property along the alley and construct a two-car garage accessory dwelling unit in the same location on the property.**

Alison Brake gave a presentation outlining the request. She concluded to demolish the existing detached garage located at the rear of the property along the alley and construct a two-car garage accessory dwelling unit in the same location consistent with the Historic District Design Guidelines [Section C.1.2.4(2), Section C.1.2.4(3), Section C.1.2.4(5), Section C.1.2.4(6), Section C.1.2.4(7), Section C.1.2.4(8), Section C.1.2.4(9), Section

C.1.2.4(10), Section C.1.2.4(11), Section C.1.2.4(16), Section C.3.4.5(A) and Section C.3.4.5(B)], the San Marcos Development Code [Section 4.5.2.1(l)(1)(e) and Section 4.5.2.1(l)(1)(g)] and the Secretary of the Interior Standards for Rehabilitation [Standards 9 and 10].

The applicant was available for questions.

Lisa Marie Coppoletta, 1322 Belvin Street, stated that she was concerned with the domino effect the new structure would have on the neighborhood. She stated that the neighbors are overwhelmingly against it and said that it was disrupting to the neighborhood.

There were no further questions and Chair Perkins closed the public hearing.

Discussion between the applicant and the Commission ensued.

Commissioner Perkins made a motion to deny the request for demolition of the detached historic-age garage located at the rear of the property along the alley and construct a two-car garage accessory dwelling unit in the same location on the property as the request was not consistent with the Secretary of the Interior's Standards for Rehabilitation, Standards 1, 2, 3, 4, 5, 6, 9, and 10. Commissioner Kennedy seconded. The motion carried by the following vote:

For: 5 – Commissioner Perkins, Commissioner Dake, Commissioner Holder, Commissioner Meyer and Commissioner Kennedy

Against: 0

Abstain: 1 – Commissioner Arlinghaus

- 3. HPC-20-21 (1114 West Hopkins Street) Hold a public hearing and consider a request for a Certificate of Appropriateness by Shawn Dupont to allow the renovation and expansion of the existing historic-age detached garage, to include construction of an accessory dwelling unit, located at the rear of the property.**

Alison Brake gave a presentation outlining the request. She concluded request to allow the renovation and expansion of the existing historic-age detached garage, to include construction of an accessory dwelling unit, located at the rear of the property consistent with the Historic District Design Guidelines [Section C.1.2.4(2), Section C.1.2.4(3), Section C.1.2.4(5), Section C.1.2.4(6), Section C.1.2.4(7), Section C.1.2.4(8), Section C.1.2.4(9), Section C.1.2.4(10), Section C.1.2.4(11), Section C.1.2.4(16), Section C.3.4.5(A) and Section C.3.4.5(B)], the San Marcos Development Code [Section 4.5.2.1(l)(1)(e) and Section 4.5.2.1(l)(1)(g)] and the Secretary of the Interior Standards for Rehabilitation [Standards 9 and 10].

The applicant was available for questions. There were no further questions and Chair Perkins closed the public hearing.

Discussion between the applicant and the Commission ensued.

A motion was made by Commissioner Perkins, seconded by Commissioner Dake to deny the request for the renovation and expansion of the existing historic-age detached garage, to include construction of an accessory dwelling unit, located at

the rear of the property as the request is not consistent with Secretary of the Interior's Standards, Standards 1, 2, 3, 6, 9, and 10.

For: 5 – Commissioner Perkins, Commissioner Dake, Commissioner Meyer, Commissioner Holder, and Commissioner Kennedy

Against: 0

Abstain: 1 – Commissioner Arlinghaus

4. HPC-20-22 (552 Rogers Street) Hold a public hearing and consider a request for a Certificate of Appropriateness by Lisa Prewitt, on behalf of Mike Olstad, to allow the installation of two sixteen-inch rock faced retaining walls in the front yard of the property.

Alison Brake gave a presentation outlining the request. She concluded while the installation of the retaining walls will not have a negative effect on the property, the removal of the concrete entrance steps will affect the historic integrity of the property. Staff finds the request for the installation of the retaining walls is consistent with the Historic District Design Guidelines [Section C.3.4.3(A) and Section C.3.4.3(B)(5)], the San Marcos Development Code [Section 4.5.2.1(l)(1)(g), Section 4.5.2.1(l)(1)(i)] and the Secretary of the Interior Standards for Rehabilitation [Standards 9 and 10] but the removal of the concrete steps is not consistent with the Secretary of the Interior Standards for Rehabilitation [Standard 2]. Staff recommended approval with the following conditions:

1. The concrete entrance steps located at street level, identified in My Historic SMTX as landscape features, are reconstructed in their previous location as shown on the Historic Resources Form from My Historic SMTX; and
2. The applicant shall notify the Historic Preservation Officer when installation of the project begins and when the project is completed.

The applicant and the property owner were available for questions.

Lisa Marie Coppoletta, 1322 Belvin Street, stated that \$1,000 of limestone was removed from her and her neighbor's properties for a sidewalk project and stated she was afraid that the removal altered her property's historic integrity. She said that she was concerned that sidewalk projects and bus stop projects did not have to come through this particular Commission. She explained her concern with flooding that she believed the retaining walls would cause on neighboring properties

There were no further questions and Chair Perkins closed the public hearing.

Discussion between the applicant and the Commission ensued.

A motion was made by Commissioner Perkins, seconded by Commissioner Dake Perkins to approve the request for the installation of two sixteen-inch rock faced retaining walls in the front yard of the property as the request met the criteria of the San Marcos Development Code [Section 4.5.2.1(l)(1)(g) and Section 4.5.2.1(l)(1)(i)] and is consistent with the Historic District Design Guidelines [Section C.3.4.3(A) and Section C.3.4.3(B)(5)] and Secretary of the Interior's Standards [Standard Number 2] with the following conditions:

1. The concrete entrance steps located at street level, identified in My Historic SMTX as landscape features, are reconstructed in their previous location as shown on the Historic Resources Form from My Historic SMTX;
2. The project will follow the plan shown in Rendering Number 2, identified as "EXHIBIT D" of the agenda packet item (Item #4); and
3. The applicant shall notify the Historic Preservation Officer when installation of the walls and stairs begins and when the installation of the walls and stairs is completed.

For: 5 – Commissioner Perkins, Commissioner Dake, Commissioner Meyer, Commissioner Arlinghaus, and Commissioner Kennedy

Against: 1 – Commissioner Holder

Abstain: 0

FUTURE AGENDA ITEMS

There were none.

**THERE BEING NO FURTHER BUSINESS CHAIR PERKINS DECLARED THE MEETING
ADJOURNED AT 7:42 P.M.**

Ryan Patrick Perkins, Chair

ATTEST:

Alison Brake, Historic Preservation Officer and Planner

CERTIFICATE OF APPROPRIATENESS APPLICATION FORM

Updated: October, 2019



CONTACT INFORMATION

Applicant's Name		Property Owner	
Company		Company	
Applicant's Mailing Address		Owner's Mailing Address	
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

PROPERTY INFORMATION

Address of Proposed Work: _____

Historic District: _____ Tax ID #: R_____

Legal Description: Lot _____ Block _____ Subdivision _____

Historical Designation(s) of Property, if applicable: ☐ National ☐ Registered Texas Historic Landmark

DESCRIPTION OF PROPOSED WORK

Please use this space to summarize the proposed work (*Please be specific. Use additional pages if necessary.*)

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee \$0

Technology Fee \$13

TOTAL COST \$13

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: _____

Date: 7/2/2020

Print Name: Edward Newman

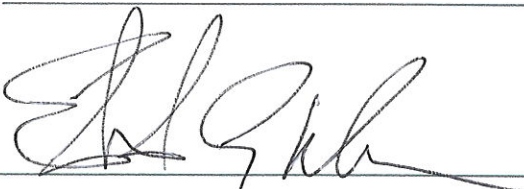
Form Updated October, 2019

PROPERTY OWNER AUTHORIZATION

I, Edward & Kelly Newman (owner name) on behalf of
N/A (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
317 Scott Street, San Marcos, TX 78666 (address).

I hereby authorize Edward Newman (agent name) on behalf of
N/A (agent company) to file this application for
Certificate of Appropriateness (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 7/2/2020
Printed Name, Title: Edward & Kelly Newman

Signature of Agent:  Date: 7/2/2020
Printed Name, Title: Edward Newman

Form Updated October, 2019

Section 2.5.5.4 Criteria for Approval

The following criteria shall be used to determine whether the application for a certificate of appropriateness shall be approved, conditionally approved or denied:

- (1) Consideration of the effect of the activity on historical, architectural or cultural character of the Historic District or Historic Landmark;
- (2) For Historic Districts, compliance with the Historic District regulations;
- (3) Whether the property owner would suffer extreme hardship, not including loss of profit, unless the certificate of appropriateness is issued;
- (4) The construction and repair standards and guidelines cited in Section 4.5.2.1.

Section 4.5.2.1 Historic Districts

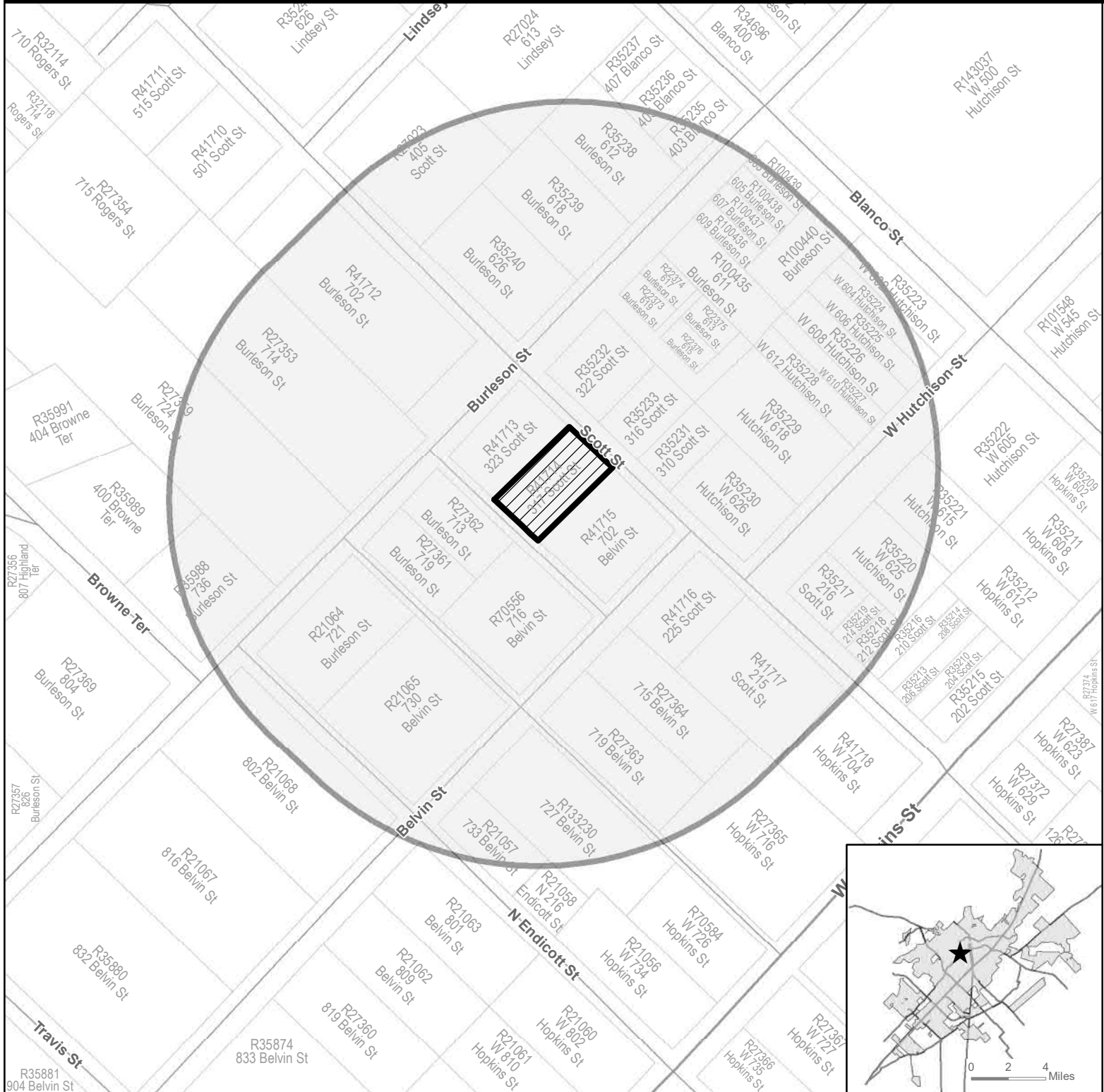
I. Construction and Repair Standards.





- (1) New construction and existing buildings and structures and appurtenances thereof within local Historic Districts that are moved, reconstructed, materially altered or repaired shall be visually compatible with other buildings to which they are visually related generally in terms of the following factors; provided, however, these guidelines shall apply only to those exterior portions of buildings and sites visible from adjacent public streets:
 - a. **Height.** The height of a proposed building shall be visually compatible with adjacent buildings.
 - b. **Proportion of building's front facade.** The relationship of the width of a building to the height of the front elevation shall be visually compatible to the other buildings to which it is visually related.
 - c. **Proportion of openings within the facility.** The relationship of the width of the windows in a building shall be visually compatible with the other buildings to which it is visually related.
 - d. **Rhythm of solids to voids in front Facades.** The relationship of solids to voids in the front facade of a building shall be visually compatible with the other buildings to which it is visually related.
 - e. **Rhythm of spacing of Buildings on Streets.** The relationship of a building to the open space between it and adjoining buildings shall be visually compatible to the other buildings to which it is visually related.
 - f. **Rhythm of entrance and/or porch projection.** The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible to the other buildings to which it is visually related.
 - g. **Relationship of materials, texture and color.** The relationship of the materials, and texture of the exterior of a building including its windows and doors, shall be visually compatible with the predominant materials used in the other buildings to which it is visually related.
 - h. **Roof shapes.** The roof shape of a building shall be visually compatible with the other buildings to which it is visually related.
 - i. **Walls of continuity.** Appurtenances of a building including walls, fences, and building facades shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building to the other buildings to which it is visually related.
 - j. **Scale of a building.** The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the other buildings to which it is visually related.
- (2) The Historic Preservation Commission may use as general guidelines, in addition to the specific guidelines contained this section, the Historic Design Guidelines located in Appendix C of the San Marcos Design Manual and the current Standards for Historic Preservation Projects issued by the United States Secretary of the Interior.

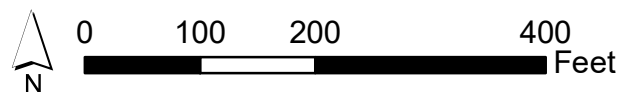
HPC-20-19

400' Notification Buffer

317 Scott Street (Garage)



- ★ Site Location
-  Subject Property
-  400' Buffer
-  Parcel
-  City Limit



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 7/21/2020



Staff Report
Historic Preservation Commission
HPC-20-19

Prepared by: Alison Brake, CNU-A, Historic Preservation Officer and Planner

Date of Meeting: September 24, 2020

Applicant Information:

Applicant: Edward Newman
317 Scott Street
San Marcos, TX 78666

Property Owner: Same

Public Hearing Notice:

Mailed: September 11, 2020

Response: In favor: 4 letters (attached); one phone call from neighbor at 310 Scott Street (Mr. Marburger); In opposition: 7 letters (attached); Objection Withdrawn: 1 letter (attached).

Subject Properties:

Location: 317 Scott Street
Historic District: Burleson Street
Description: Craftsman
Date Constructed: c. 1920 (*My Historic SMTX*)
Priority Level: Medium (*My Historic SMTX*)
Listed on NRHP: No
RTHL: No

Applicant Request:

To allow demolition of detached garage located at the rear of the property along the alley and construct a two-car garage accessory dwelling unit in the same location.

Staff Recommendation:

- ☒ *Approval* - appears to meet criteria for approval
- ☐ *Approval with conditions* – see comments below
- ☐ *Denial* - does not appear to meet criteria for approval
- ☐ Commission needs to address policy issues regarding this case.

Staff Comments:

The subject property is located on Scott Street, between West Hutchison Street and Burleson Street ("EXHIBIT A"). The property was evaluated in *My Historic SMTX* with a medium preservation priority ("EXHIBIT B"). Medium priority properties are those that could be contributing to an eligible National Register of Historic Places (NRHP) or local historic district. These resources may also have significant associations but are generally more common examples of types or styles or have experienced some alterations.

Photographs of the property from *My Historic SMTX* are shown below:



The photos were taken in early 2019 and the property has since been painted a light gray.

The applicant is proposing to demolish the existing detached garage that is located at the rear of the property, along an alley, as shown in the following photograph submitted by the applicant. In the scope of work the applicant states that the existing structure is in severe disrepair, not insurable, and is not suitable to garage an average sized vehicle ("EXHIBIT C"). The *My Historic SMTX* database states notes the garage is of historic age but does not list a date of construction for the structure. It should be noted that, while the alley is considered public right-of-way, it is not traveled often by the general public and is mainly used by the residents of this particular area.

The applicant submitted the following photographs of the existing shed. The first photo is the view of the shed from the alley. The second photo is the view of the shed from the back of the house:



In its place, the applicant is proposing to construct a two-story structure. The first floor of the new structure is proposed to be a garage with space for two cars. The second floor of the new structure is proposed to be an approximately 598 square foot accessory dwelling unit (ADU) for the property owner's family and guests. The San Marcos Development Code allows for accessory dwelling units as a limited use within single-family zoning districts subject to the standards within Section 2.1.3.1(b). The accessory dwelling unit as proposed meets these standards.

The following renderings were submitted and are included in the packet in "EXHIBIT C":

Facing Alley



Facing Back of Main Residence





**Left Façade of
ADU (towards
702 Belvin
Street)**



**Right Façade of
ADU (towards
323 Scott
Street)**

The applicant is proposing to construct the new structure in the same Craftsman style as the main residence, utilizing wood lap siding that is the same in width as the main structure. The applicant is also proposing to paint the new structure using Sherwin Williams Colonnade Gray for the façade and Panda White for the trim which are the same colors as the main residence.

Colors Shown



SW 7641

Colonnade Gray



SW 6147

Panda White

The scope of work also states that the roofing material of the new structure will be the same as the main structure, Estate Gray asphalt shingles, as shown below:



Estate Gray[†]

Section C.1.2.4(10) of the Historic District Design Guidelines recommend constructing garages to the rear of the property behind the face of the house. Staff finds the request consistent with this recommendation. While Section C.1.2.4(11) of the Historic the Design Guidelines recommends orienting garage doors away from the street, the new garage doors will be in the same orientation

as the existing ones which face the alley. Staff finds the request to keep the orientation helps to maintain the historic integrity of the site, consistent with Section 4.5.2.1(l)(1)(e) of the San Marcos Development Code.

The Historic Design Guidelines do not provide specific guidance for accessory dwelling units in historic neighborhoods but do provide guidance on new construction:

- Respect and maintain the overall height of buildings in the immediate vicinity [Section C.1.2.4(2)]

The new structure is a two-story building and is taller than the main residence. The peak of the garage is 26 feet while the peak of the main residence is 21 feet. However, the property is located at the base of a small hill and the elevation change helps to soften the difference in height between the two buildings. In addition, the proposed structure will be located at the rear of the property in the same location as the existing garage. The view of the rear yard from Scott Street is somewhat screened by landscaping and fencing on either side as well as a large oak tree in the front yard. The applicant submitted the following photographs and a rendering to help illustrate this point:



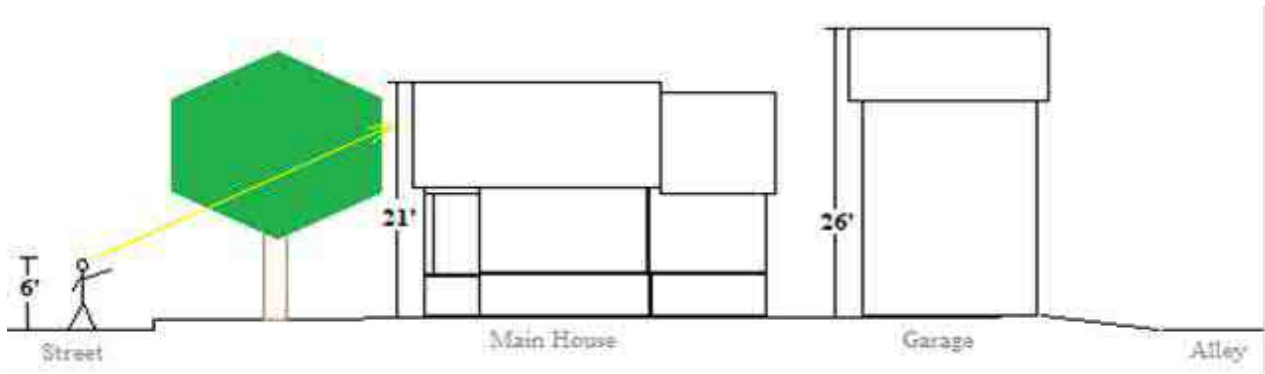
Looking at front façade from Scott Street



View from Scott Street looking towards rear – note screening



View from Scott Street looking towards left side of home (fence is privacy fence at 702 Belvin Street)



Cross-section showing height difference between main structure and proposed ADU

- Maintain the building relationship to the street [Section C.1.2.4(3)]
By facing the alley, the new structure will retain the same visual continuity as the existing garage.
- Respect the overall proportion and form [Section C.1.2.4(5)]
The new structure meets the development standards for size and location and, despite its height, is well-proportioned in comparison to the main residence.
- Utilize floor heights common to adjacent buildings [Section C.1.2.4(6)]
The new structure's floor height is larger than the main residence and those buildings to which it is immediately adjacent to. However, the elevation grade change aides in softening this so the new structure will not overpower. The applicant provided a map where that identifies properties within the area that are similar, one-story properties with two-story accessory structures ("EXHIBIT F"). Out of the properties on the map, only one is located within a historic district, 524 West Hopkins Street. However, the other two properties are adjacent to historic districts.
- Roof forms and roof lines should be consistent in shape and detail [Section C.1.2.4(7)]
The forms and lines are consistent and compatible with the main residence.
- Maintain the solid to void pattern established in window openings in front façades [Section C.1.2.4(8)]
The window pattern is compatible with that of the main residence.
- Materials should reflect the period in which they are built but also respect the scale of adjacent buildings [Section C.1.2.4(9)]
The applicant is proposing to use a wood lap siding that matches the main residence's siding in width and profile. Staff finds this consistent with Sections C.3.4.5(A) and C.3.4.5(B) of the Historic District Design Guidelines which state that wood was the primary building material in residential construction. Staff also finds the applicant's choice to use a siding material that matches the profile of the main structure meets Section 4.5.2.1(I)(1)(g) of the San Marcos Development Code.
- Avoid creating a false sense of history when constructing new buildings [Section C.1.2.4(16)]
The new unit will be very similar in style to the main residence, but should provide enough differentiation using door, window, and roofline details to make it distinguishable from the historic main house.

Staff also finds that locating the garage in the same location as the existing one meets the Secretary of the Interior's Standards for Rehabilitation Standard Number 9 which states *"New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment."* The new structure will also be able to be removed in the future without impairing the historic main residence. This is consistent with the Secretary of the Interior's Standards for Rehabilitation Standard Number 10 which states, *"New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired."*

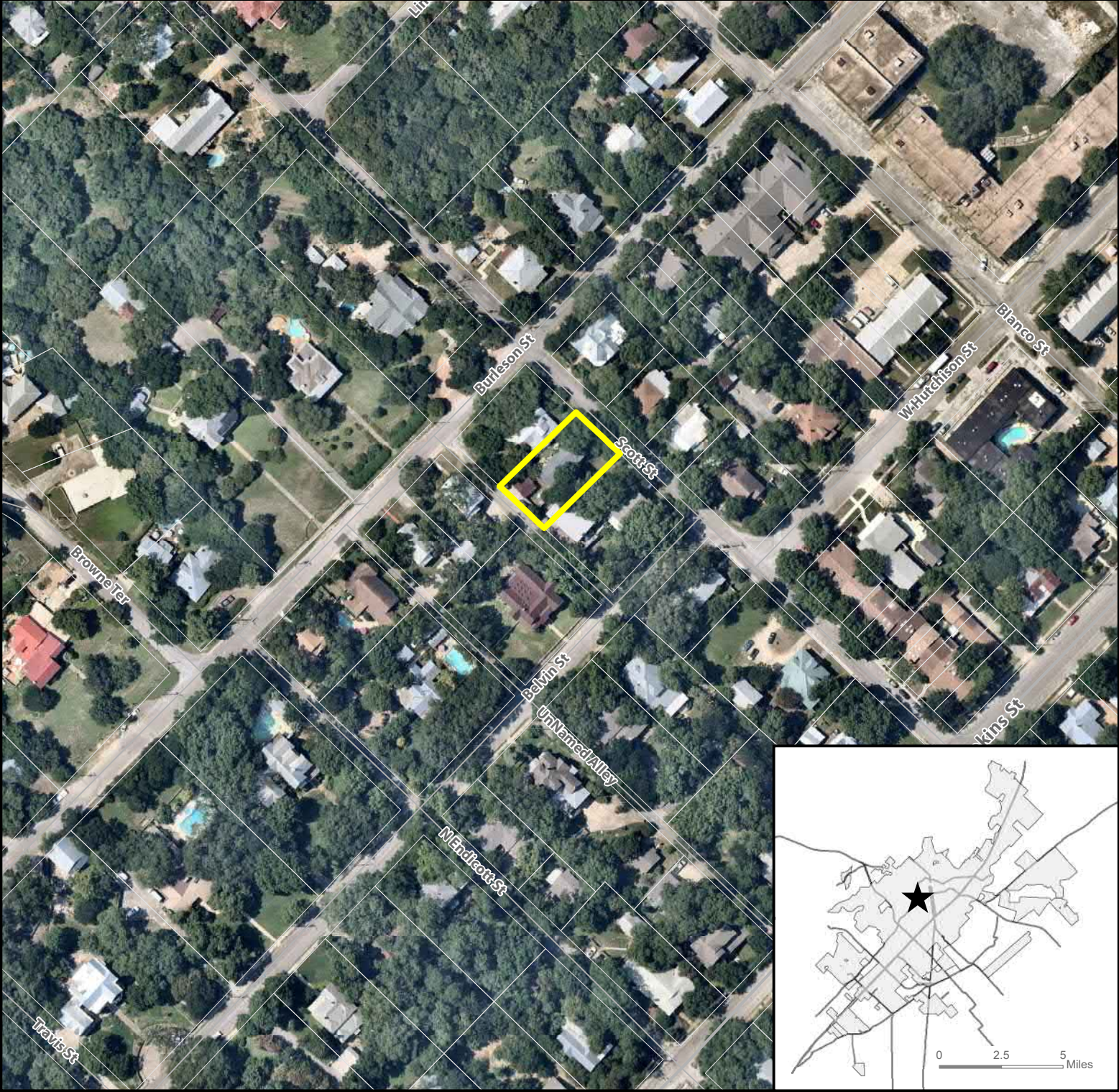
Staff finds the request to demolish the existing detached garage located at the rear of the property along the alley and construct a two-car garage accessory dwelling unit in the same location consistent with the Historic District Design Guidelines [Section C.1.2.4(2), Section C.1.2.4(3), Section C.1.2.4(5), Section C.1.2.4(6), Section C.1.2.4(7), Section C.1.2.4(8), Section C.1.2.4(9), Section C.1.2.4(10), Section C.1.2.4(11), Section C.1.2.4(16), Section C.3.4.5(A) and Section C.3.4.5(B)], the San Marcos Development Code [Section 4.5.2.1(l)(1)(e) and Section 4.5.2.1(l)(1)(g)] and the Secretary of the Interior Standards for Rehabilitation [Standards 9 and 10]. Therefore, Staff recommends **approval of the request as submitted.**

EXHIBITS

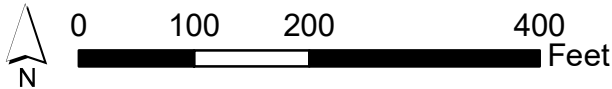
- A. Aerial Map
- B. Page from Survey Inventory Table from *My Historic SMTX*
- C. Scope of Work
- D. San Marcos Development Code Sections 2.5.5.4 and 4.5.2.1(l)
- E. Secretary of the Interior Standards for Rehabilitation
- F. Map of One-Story Properties with Two-Story Accessory Structures, Submitted by Applicant
- G. Responses Received

HPC-20-19
Aerial View
317 Scott Street (Garage)

EXHIBIT A








- ★ Site Location
- Subject Property
- Parcel
- City Limit



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 7/21/2020

Local Id# / Image	Address	Current Name/ Historic Name	Current Function/ Historic Function	Stylistic Influence/ Historical Context	Construction Date	Existing Designation	Eligibility	Priority
R35231 	310	Domestic	National Folk	ca. 1910	<input type="checkbox"/> NR <input type="checkbox"/> OTHM <input type="checkbox"/> SAL <input type="checkbox"/> In District <input checked="" type="checkbox"/> Contributing	<input type="checkbox"/> RTHL <input type="checkbox"/> HTC <input checked="" type="checkbox"/> Local In District?: Yes Contributing	Medium	
	SCOTT ST SAN MARCOS	Domestic						
	Lindsey-Rogers Local Historic District							
R35233 	316	Domestic	Neoclassical (cottage)	ca. 1910	<input type="checkbox"/> NR <input type="checkbox"/> OTHM <input type="checkbox"/> SAL <input type="checkbox"/> In District	<input type="checkbox"/> RTHL <input type="checkbox"/> HTC <input checked="" type="checkbox"/> Local In District?: Yes Contributing	High	
	SCOTT ST SAN MARCOS	Domestic	Architecture, Community Development					
	Lindsey-Rogers Local Historic District							
R41714 	317	Domestic	Craftsman	ca. 1920	<input type="checkbox"/> NR <input type="checkbox"/> OTHM <input type="checkbox"/> SAL <input type="checkbox"/> In District <input checked="" type="checkbox"/> Contributing	<input type="checkbox"/> RTHL <input type="checkbox"/> HTC <input checked="" type="checkbox"/> Local In District?: Yes Contributing	Medium	
	SCOTT ST SAN MARCOS	Domestic						
	Burleson Street Local Historic District							
R35232 	322	Domestic	Queen Anne	1897	<input checked="" type="checkbox"/> NR <input type="checkbox"/> OTHM <input type="checkbox"/> SAL <input type="checkbox"/> In District	<input type="checkbox"/> RTHL <input type="checkbox"/> HTC <input checked="" type="checkbox"/> Local In District?: Yes Contributing	High	
	SCOTT ST SAN MARCOS	Domestic	Architecture, Community Development					
	Lindsey-Rogers Local Historic District							
R41713 	323	Domestic	National Folk	ca. 1910	<input type="checkbox"/> NR <input type="checkbox"/> OTHM <input type="checkbox"/> SAL <input type="checkbox"/> In District	<input type="checkbox"/> RTHL <input type="checkbox"/> HTC <input checked="" type="checkbox"/> Local In District?: Yes Contributing	High	
	SCOTT ST SAN MARCOS	Domestic	Architecture, Community Development					
	Burleson Street Local Historic District							

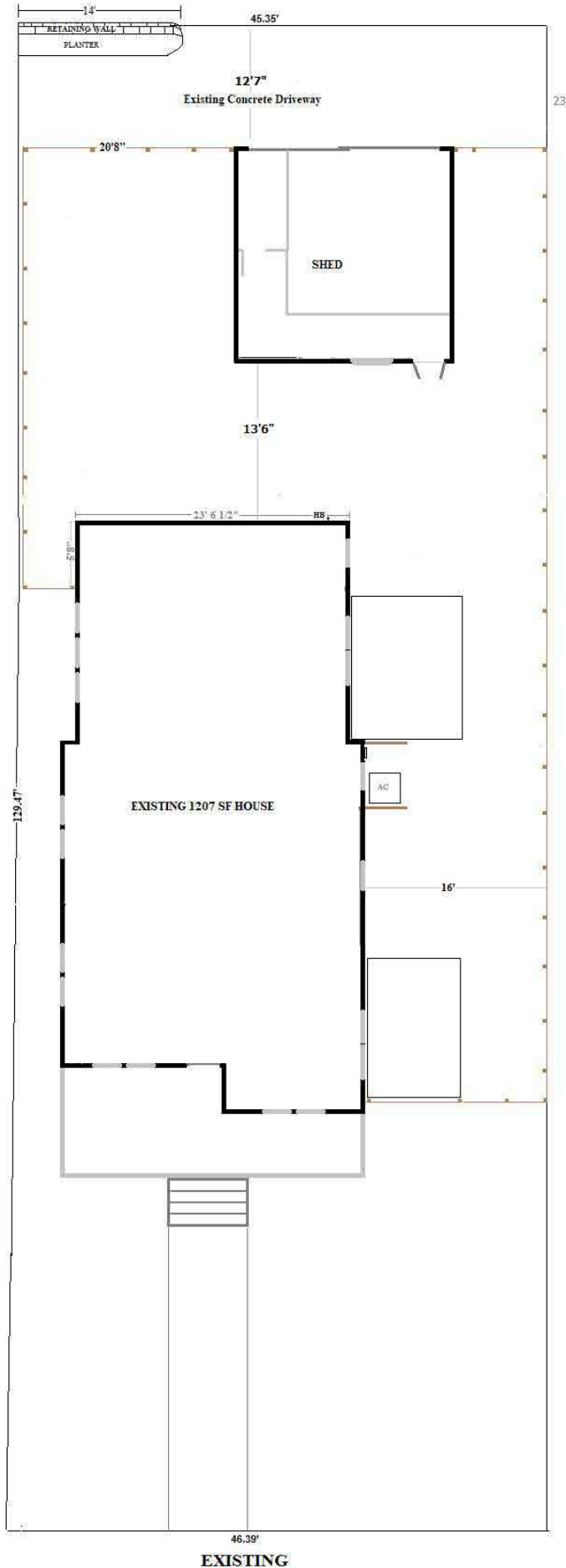
DESCRIPTION OF PROPOSED WORK ADDENDUM**317 Scott Street, San Marcos, TX 78666****Project Name: 317 Scott Street Garage**

DESCRIPTION OF PROPOSED WORK: Demolish the existing green garage that is in ill repair, not insurable and is not suitable to garage an average sized vehicle and construct a 2-car garage with a 2 bedroom living space above within the code requirements of the City of San Marcos.

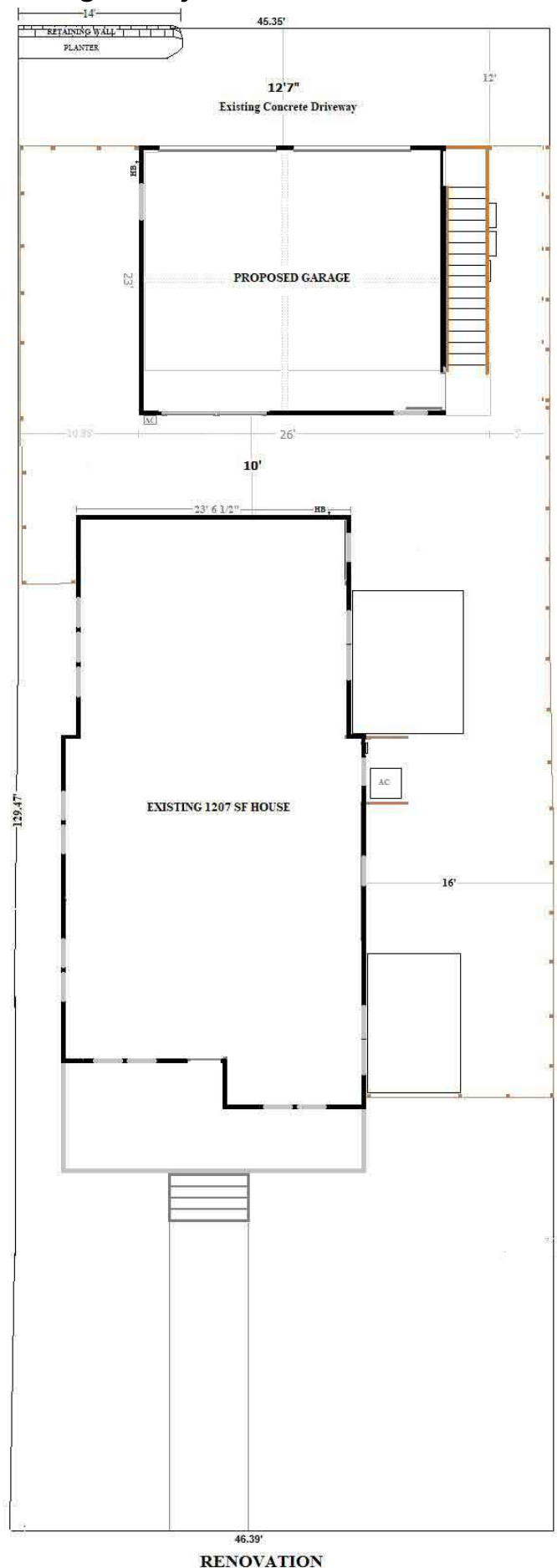
The structure will be of the exact same construction style as our home to include wood lap siding, painted the same gray color with white trim and have the same asphalt shingle roof. Trim accents, doors and windows will be the same, or similar to those on the home. The specific paint colors and shingles used are provided as attachments after the elevations and floorplan diagrams. Occupancy of the structure will be for our owned vehicles and for my family and/or guests that visit.

Front Photo:**Back Photo:****Alley Photo:**

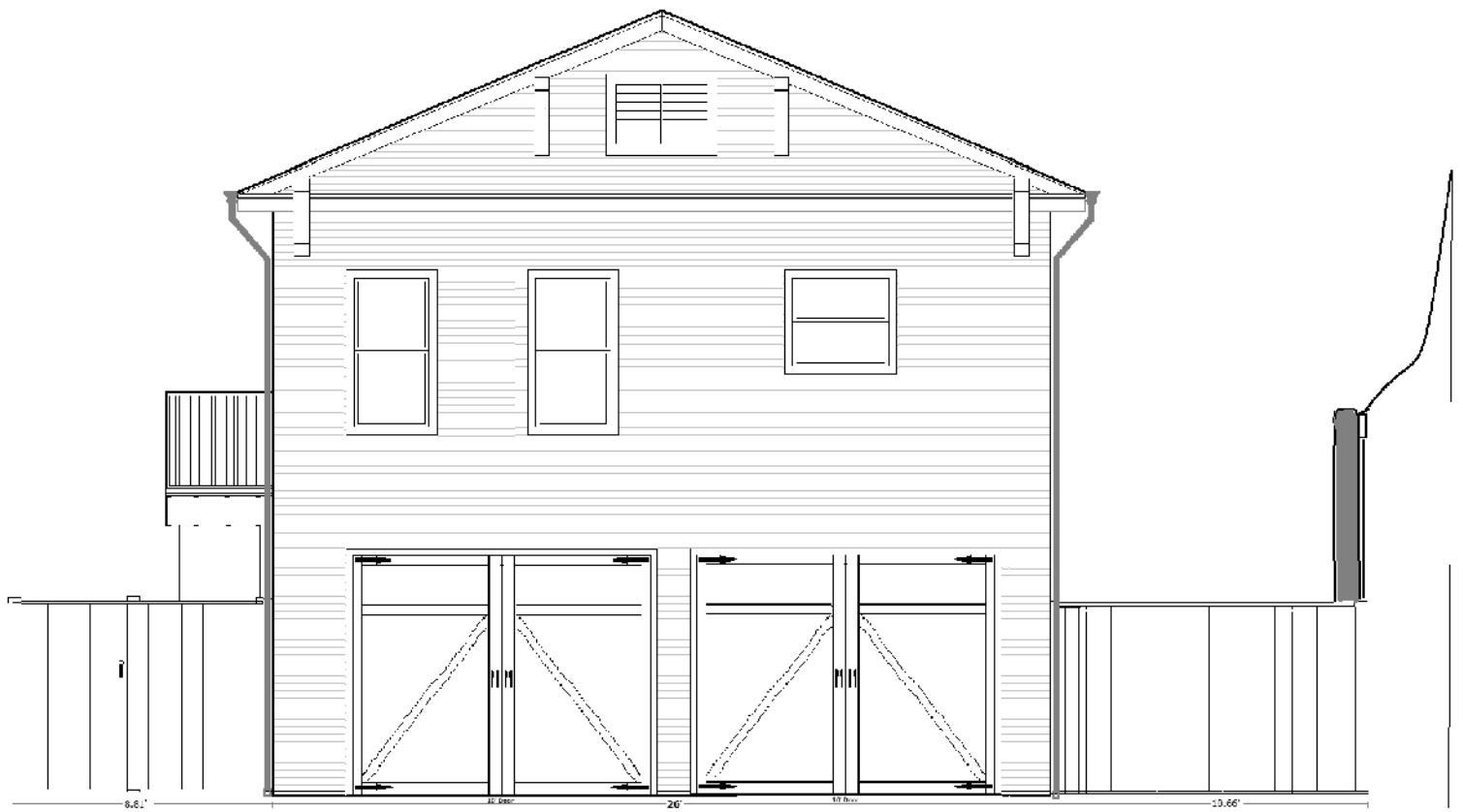
317 Scott Street Garage Project



EXISTING



RENOVATION



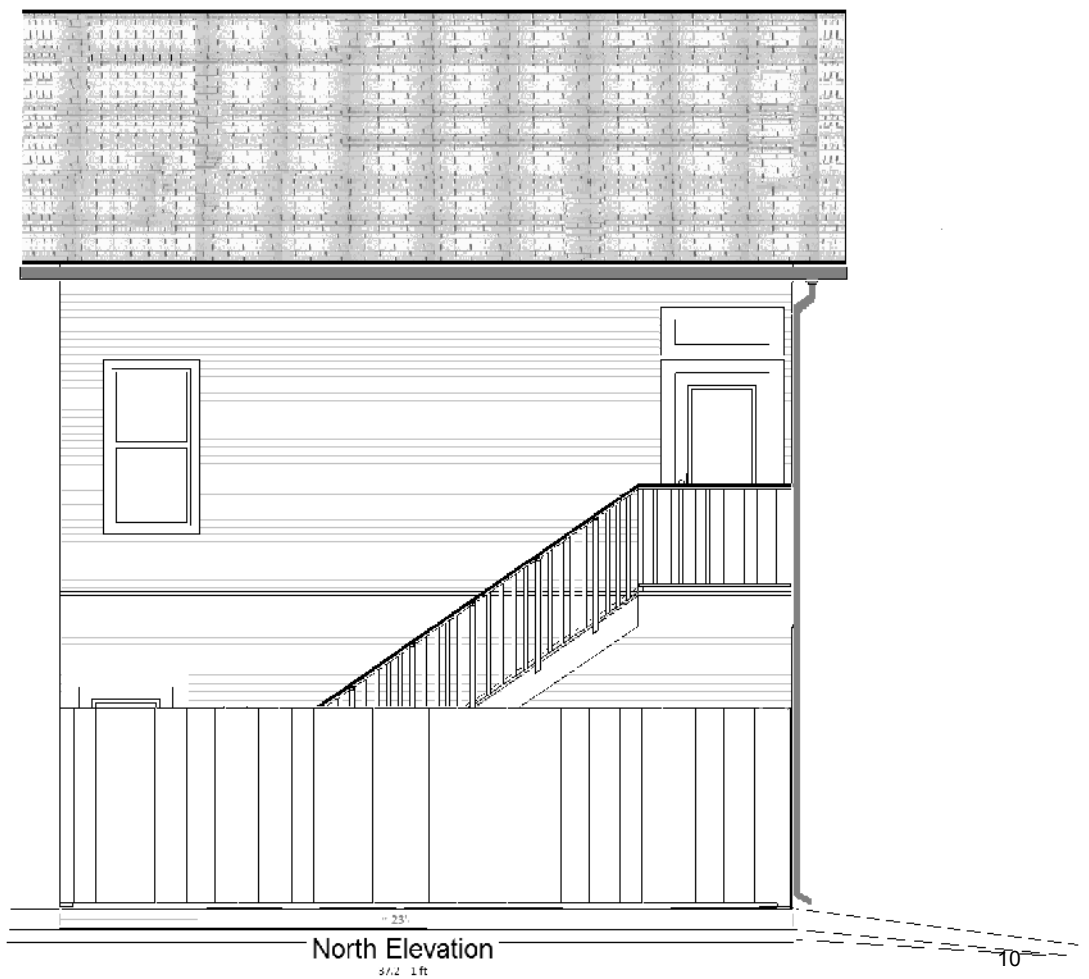
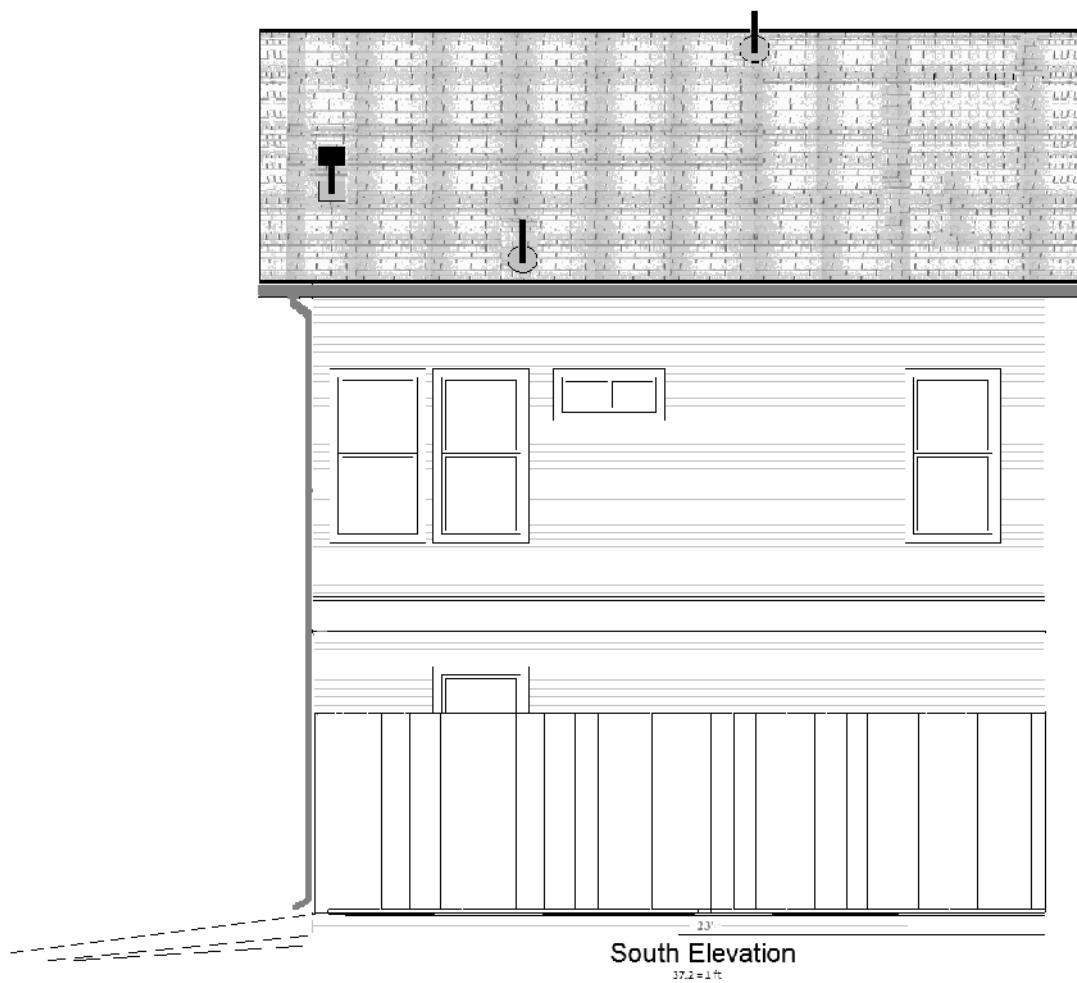
Rear Elevation

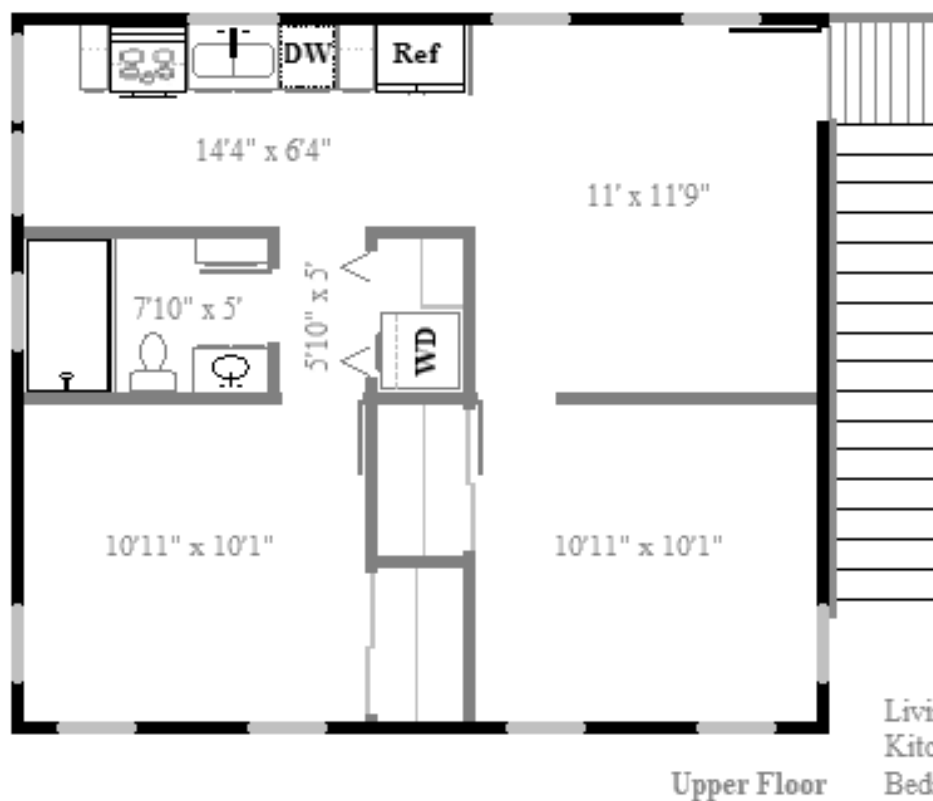
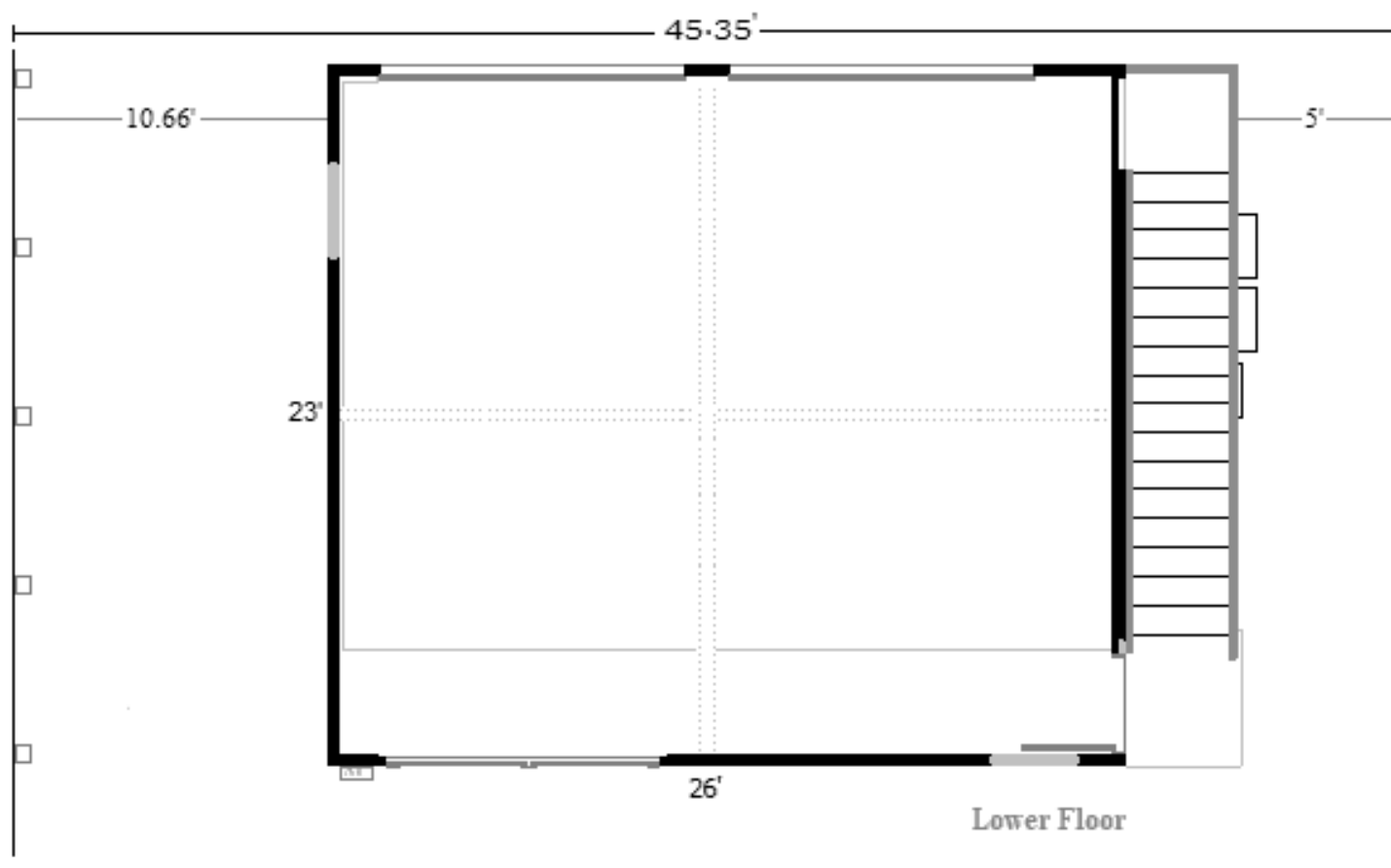
34.2 = 1 ft



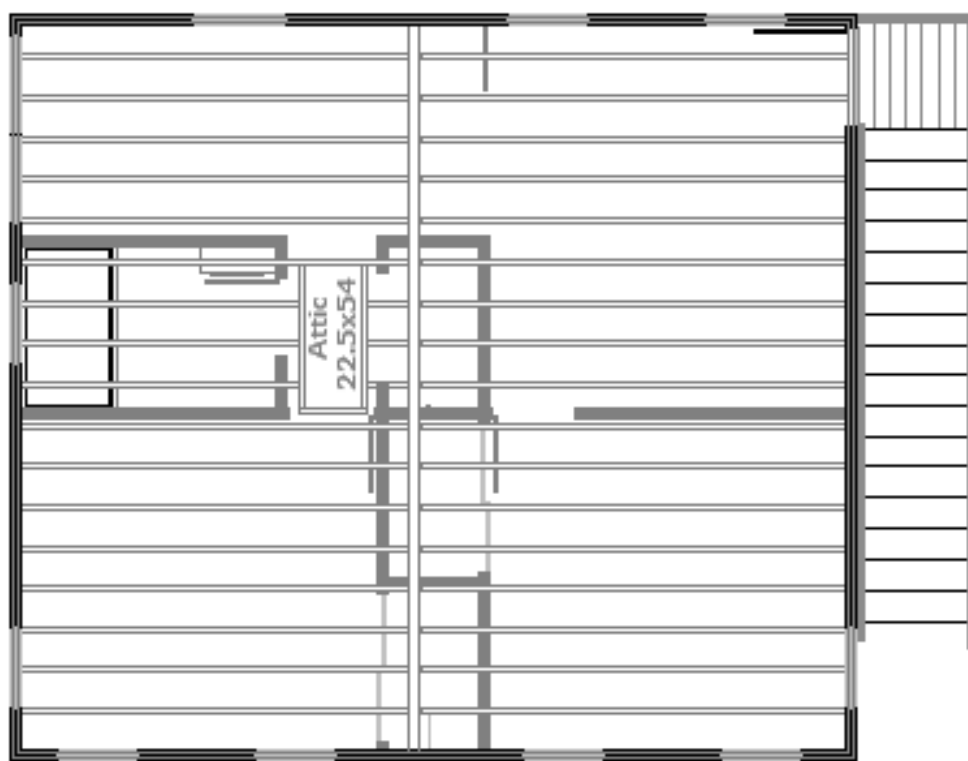
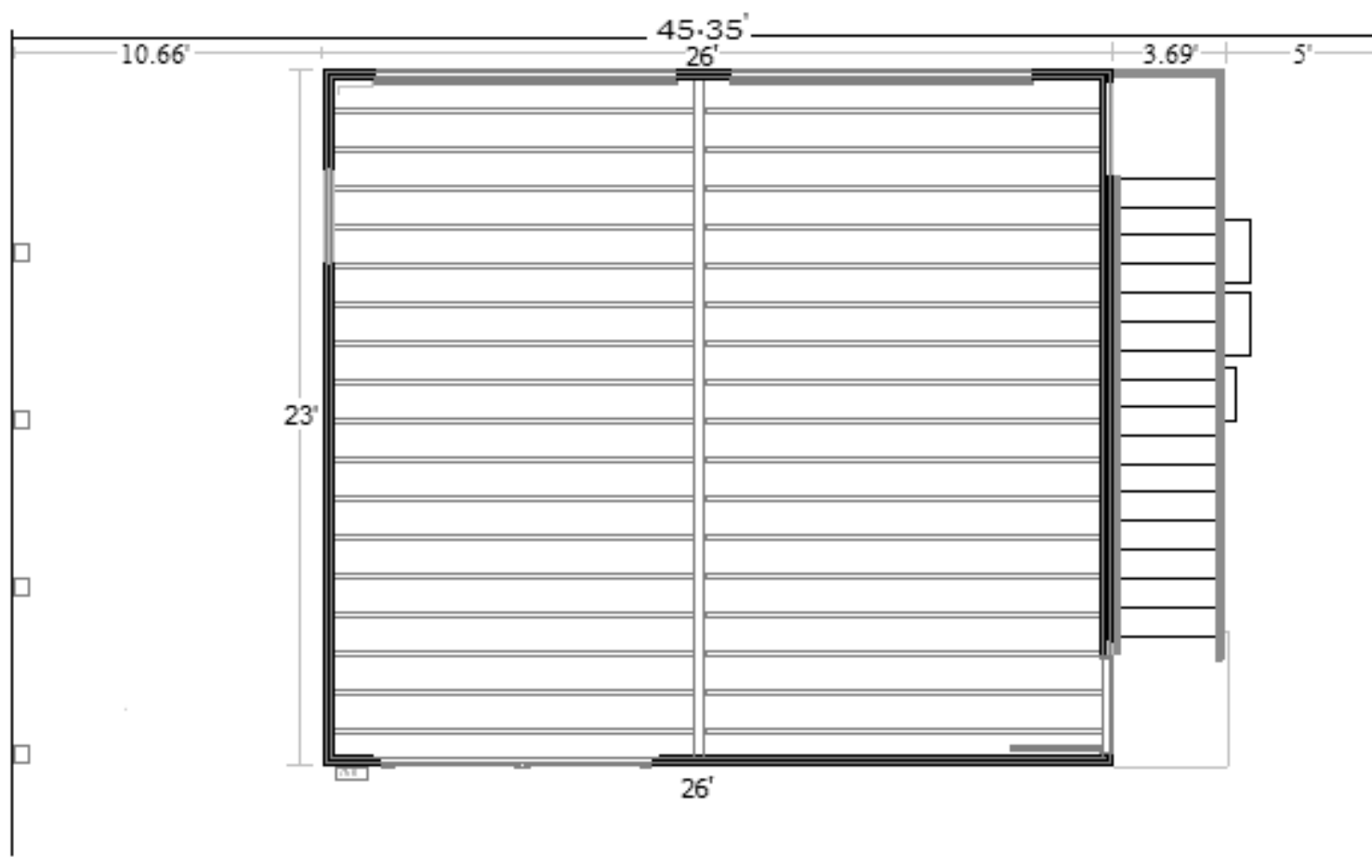
Front Elevation

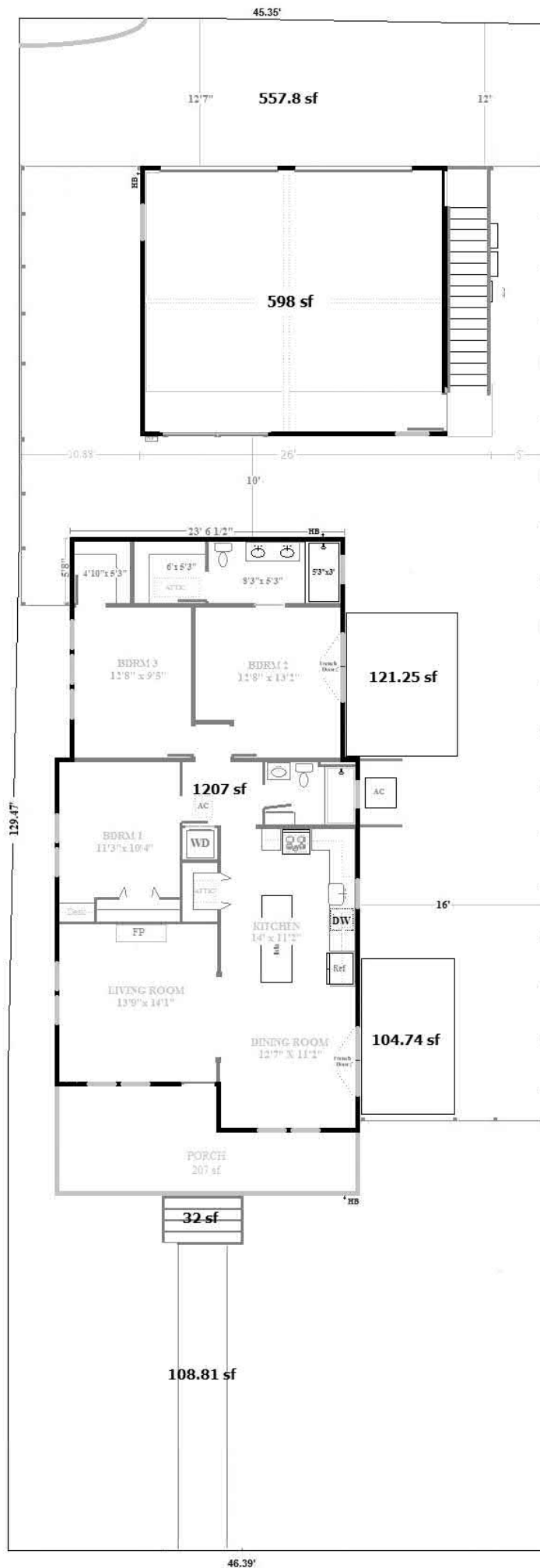
37.2 = 1 ft





Living Rm -	129.25
Kitchen -	90.71
Bedroom 1 -	110.01
Bedroom 2 -	110.01
Bathroom -	39.17
Laundry -	29.17
TOTAL:	508.32 sf





Total Impervious Cover

Total Lot Sq. Ft: 6,006 sf

House: 1,207 sf

Patios/Walkways/Steps: 366.8 sf

Driveway: 540 sf

Proposed Garage: 598 sf (340.63 sf Existing Garage)

Total Impervious Cover: 2,711.8 sf or 45%

EXISTING SHED



317 Scott Street Garage Paint Colors / Siding

Garage to be Lap Siding with same paint colors matching existing Home



Paint Colors (Siding & Trim) matching Existing Home



Neutrals

Colors Shown



SW 7641

Colonnade Gray

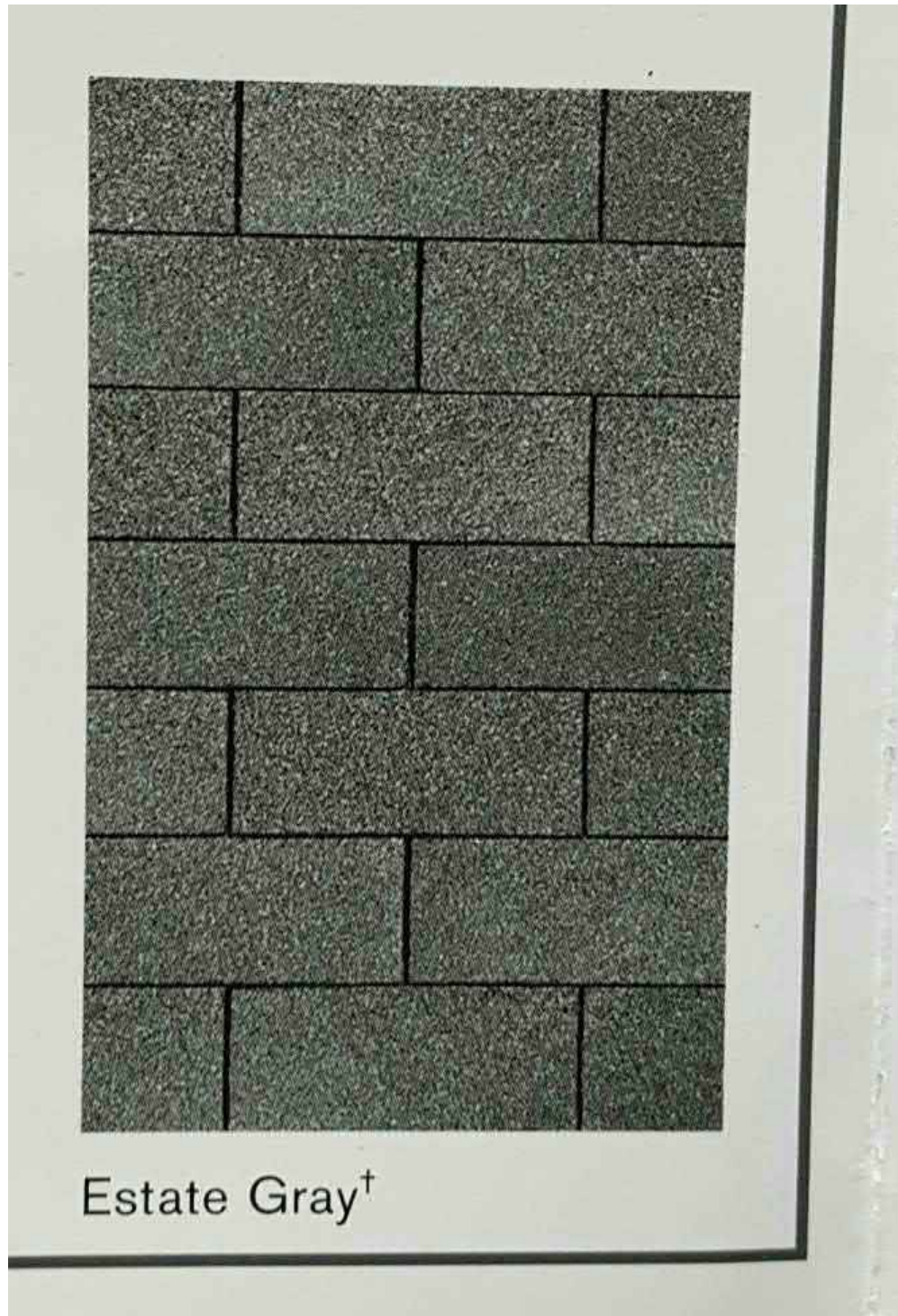
Feedback



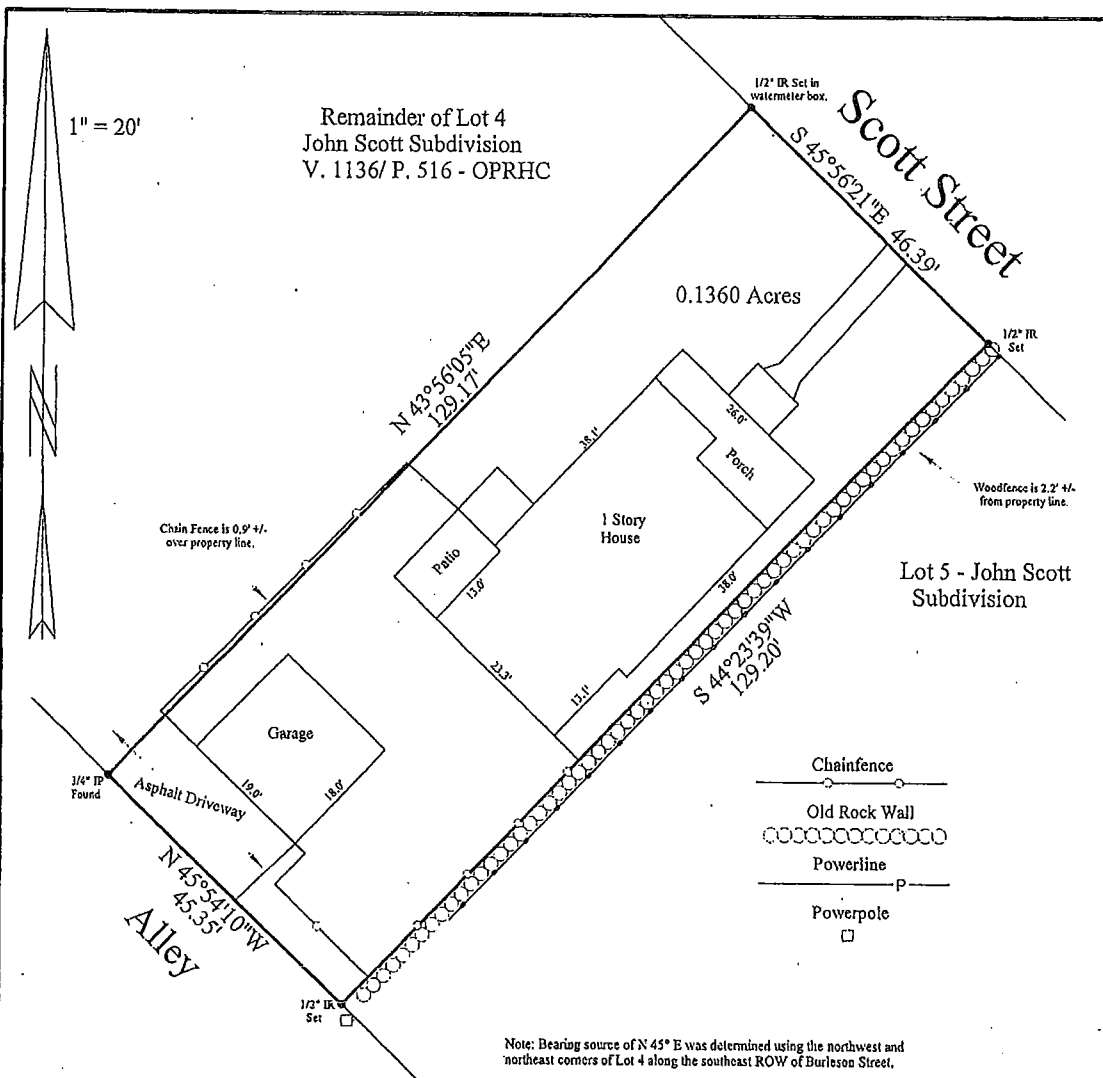
SW 6147

Panda White

Roofing will be Asphalt Shingles that match the existing Home:



Estate Gray[†]



PLAT SHOWING SURVEY OF 0.1360 ACRES OUT OF THE SOUTHEAST PORTION OF LOT FOUR (4), OF THE JOHN SCOTT ADDITION TO THE CITY OF SAN MARCOS, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME R, PAGE 255, OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, SAID 0.1360 ACRES BEING THE SAME TRACT DESCRIBED IN VOLUME 190, PAGES 575-577, HAYS COUNTY DEED RECORDS.

FOR: Laurel D. Nelle

GF: 20108117/ Hays County Abstract

DATE: September 24, 2001

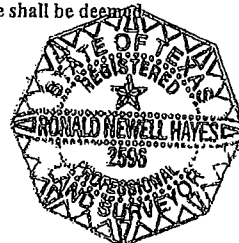
ADDRESS: 317 Scott Street, San Marcos, Texas.

The undersigned does hereby certify that this is a Category 1A, Condition 2 survey and was made on the ground under my supervision of the property legally described hereon and is essentially correct and there are no visible discrepancies, shortages of area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways except as shown. Only those plats with a blue surveyors seal and blue signature shall be deemed reliable and authentic.

Ronald N. Hayes
Ronald N. Hayes, Registered Professional Land Surveyor, No. 2596

According to Map Panel 0193 E of the February 18, 1998 insurance rate map for the County of Hays, Texas, the property described hereon is in the Zone "X" of the flood hazard area.

HAYES SURVEYING
202 SUNFLOWER DRIVE
KYLE, TEXAS 78640
512-268-4813



File # SCTTST02
Field Book # 33
Page # 60

Section 2.5.5.4 Criteria for Approval

The following criteria shall be used to determine whether the application for a certificate of appropriateness shall be approved, conditionally approved or denied:

- (1) Consideration of the effect of the activity on historical, architectural or cultural character of the Historic District or Historic Landmark;
- (2) For Historic Districts, compliance with the Historic District regulations;
- (3) Whether the property owner would suffer extreme hardship, not including loss of profit, unless the certificate of appropriateness is issued;
- (4) The construction and repair standards and guidelines cited in Section 4.5.2.1

Section 4.5.2.1 Historic Districts

I. Construction and Repair Standards.

- (1) New construction and existing buildings and structures and appurtenances thereof within local Historic Districts that are moved, reconstructed, materially altered or repaired shall be visually compatible with other buildings to which they are visually related generally in terms of the following factors; provided, however, these guidelines shall apply only to those exterior portions of buildings and sites visible from adjacent public streets:
 - a. **Height.** The height of a proposed building shall be visually compatible with adjacent buildings.
 - b. **Proportion of building's front facade.** The relationship of the width of a building to the height of the front elevation shall be visually compatible to the other buildings to which it is visually related.
 - c. **Proportion of openings within the facility.** The relationship of the width of the windows in a building shall be visually compatible with the other buildings to which it is visually related.
 - d. **Rhythm of solids to voids in front Facades.** The relationship of solids to voids in the front facade of a building shall be visually compatible with the other buildings to which it is visually related.
 - e. **Rhythm of spacing of Buildings on Streets.** The relationship of a building to the open space between it and adjoining buildings shall be visually compatible to the other buildings to which it is visually related.
 - f. **Rhythm of entrance and/or porch projection.** The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible to the other buildings to which it is visually related.
 - g. **Relationship of materials, texture and color.** The relationship of the materials, and texture of the exterior of a building including its windows and doors, shall be visually compatible with the predominant materials used in the other buildings to which it is visually related.
 - h. **Roof shapes.** The roof shape of a building shall be visually compatible with the other buildings to which it is visually related.
 - i. **Walls of continuity.** Appurtenances of a building including walls, fences, and building facades shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building to the other buildings to which it is visually related.
 - j. **Scale of a building.** The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the other buildings to which it is visually related.
- (2) The Historic Preservation Commission may use as general guidelines, in addition to the specific guidelines contained this section, the Historic Design Guidelines located in Appendix C of the San Marcos Design Manual and the current Standards for Historic Preservation Projects issued by the United States Secretary of the Interior.

Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

EXHIBIT F



524 W. Hopkins Street



625 W Hutchison Street



601 Alto Street

Brake, Alison

From: Rod [REDACTED]
Sent: Tuesday, August 4, 2020 7:24 PM
To: Brake, Alison
Subject: [EXTERNAL] HPC meeting August 6,2020

Good evening Commissioners.

My name is Rodney van Oudekerke, I live at 323 Scott, San Marcos, Texas. I have lived in my home at 323 Scott since I purchased the home in March 1994. Last week one of my neighbors on Burleson St. told me he received a notice from the city informing him that my neighbor who lives at 317 Scott (next door) was wanting to replace his garage in the rear of his home. I was asked how I felt about it. I said the Newmans (317 Scott) really do need a place to park their cars. Currently they park one in front of their home on Scott Street and one in the garage, one paralleled on their concrete pad in the alley and I allow one of their vehicles to park in my back yard. Last December my car was parked in front of my property on Burleson and was re-ended and totaled by a hit and run so I know the importance of getting their vehicles off the street. I am not opposed to a garage being built on their property behind their home.

On Tuesday August 4, 2020 I asked Diana Baker why I had not received a notice of the HPC seeing how I live literally feet away from the property. She suggested I contact Allison Brake to see what happened to the notice I should have received, which I did. Ms. Brake researched why I had not received the noticed and discovered there is no owner information listed for my home. This is because (I assume) as a retired police officer that information is not released. I am asking the Commission to take a look at this system of notification. I don't want to sound too wise guyish but the City of San Marcos has never failed to send my Utility bill to my home address. Hays County has never failed to send my Tax bill to my home address so it is clear to me the city knows who lives at 323 Scott. I have been here since 1994. Maybe if this comes up again when the City knows a home exists but has no owner information perhaps it could be addressed to occupant or home owner. Just a thought.

I have also found out the proposed garage is going to be a two story structure with a residence on the second story. I do have a problem with that. Again, not with replacing the garage, the Newman's need a place to put their cars. I do not even have a problem with a secondary residence on the property even though it is a very small lot. I am looking at this through the eyes of a person dedicated to historic preservation. Having a structure higher than the main living quarters is not historically accurate. It would cause roof lines in the neighborhood to look odd and historically inaccurate. I walked through the neighborhood and there are at least two property's which have added two story garages with living quarters on the second floor.

However, those homes are both two plus stories and the added garage does not rise higher than the main structure. I also noticed at least five secondary living quarters on Belvin and Burleson some are newer and others old but are all single story structures. There are no examples of a single story home having a two story secondary structure in the historic neighborhoods that I am aware of.

Again, I am not opposed to the Newman's building a new garage, not opposed to a secondary living structure but if I were still on the HPC I would vote against the two story structure.

Respectfully

Rodney van Oudekerke
Former Chair San Marcos Historic Commission
323 Scott
San Marcos, Texas 78666

Historic Preservation Commission

August 6, 2020

Public Hearing on Agenda Item HPC_20-19

Dear Commissioner's,

I happened to see the proposed plans for the garage addition on 317 Scott Street. I have to say I was gobsmacked that staff could think adding something that over towers the existing dwelling was a good idea. It would set a precedent that I have no doubt we would come to regret. It is too tall, too large, and too inappropriate. Immediately I thought of Hyde Park in Austin that structures like this sprout from the ground like weeds. And of course, that made me wistful for Hyde Park in Austin, because the charm it had no longer exist. Please think long and hard about allowing that same slippery slope invading San Marcos.

Sincerely,

Linda Coker

153 Tallow Trail

San Marcos, TX 78666

Agenda Item HPC-20-19

(317 Scott Street)

Public Hearing 8/6/2020

Greetings HPC Commissioners,

I was recently notified about the proposed accessory dwelling for 317 Scott Street. I would like to ask you not to grant a certificate of appropriateness for the proposed garage and accessory structure at this address. The proposed structure would be taller than, and tower over, the original 1920's house.

If allowed, these types of structures could change the character of the Historic district.

I suggest that the HPC create a policy regarding the approval of garages and accessory buildings that dwarf the original historic structures.

Many Thanks,

Diana Baker

Brake, Alison

From: Atty Kama Davis [REDACTED]
Sent: Wednesday, August 5, 2020 5:49 PM
To: Brake, Alison
Subject: [EXTERNAL] Please forward to HPC Commissioners

Alison,

I hope you are well. Please forward this to the HPC Commissioners or read this to them at the Citizen Comment period. Thank you

Agenda Item HPC-20-19
(317 Scott Street)
Public Hearing 8/6/2020

Hello HPC Commissioners,

Thank you for your service to our community. I am writing regarding the proposed accessory dwelling unit for 317 Scott Street. Please do not grant a certificate of appropriateness for the proposed garage and accessory structure at this address. The proposed structure would be taller than, and tower over, the original 1920's house. If allowed, these types of structures could change the character of the Historic district.

I suggest that the HPC create a policy regarding the approval of garages and accessory buildings that dwarf the original historic structures. Thank you.

Kind regards,
Kama Davis
Sent from my iPhone

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

Brake, Alison

From: Amy Meeks [REDACTED]
Sent: Wednesday, August 5, 2020 9:04 PM
To: Brake, Alison
Subject: [EXTERNAL] Agenda Item for HPC

Hi Allison,

Please forward the letter below to all voting members of tomorrow night's HPC meeting. Thank you and I hope you are well!

Amy Meeks

Dear HPC Commissioners,

I am writing regarding the proposed accessory dwelling unit for 317 Scott Street. **Please do not grant a certificate of appropriateness for the proposed garage and accessory structure at this address.** The proposed structure would be taller than, and tower over, the original 1920's house.

The proposed structure would negatively effect the look and character of this house and, consequently, this historic district. It is precisely these new types of structures that need to be highly regulated and scrutinized when they are proposed. Such detracting structures should not be allowed within our historic neighborhoods.

It seems logical that the HPC create a policy regarding the approval of all structures, whether new or renovations, that will impact the original structure in any way and hold firmly to those established guidelines.

Thank you for serving on the HPC. You are valuable to San Marcos.

Best,

Amy Meeks

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

Brake, Alison

From: Wayne Kraemer [REDACTED]
Sent: Thursday, August 6, 2020 11:29 AM
To: Planning Info
Subject: [EXTERNAL] Certificate of Appropriateness 317 Scott Street

Good morning,

I am writing in reference to the property request at 317 Scott Street. I am in opposition to the construction of anything that is higher than the existing roofline of the current home. Additionally a two-car garage will be a tight fit. It is on the alley, but as long as it maintains the same height as the existing garage, I would not oppose that construction considering how many cars appear to be attached to that property.

Additionally, information sent to residents within 400' is woefully and unduly vague. It was only after talking with other residents that I found out it was to be a two story structure. There needs to be more information presented in the letters in order for residents nearby to make an informed decision and not have to research to find the exact plan for the property.

Sincerely,

Wayne Kraemer
733 Belvin

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

Brake, Alison

From: Tom Wassenich [REDACTED]
Sent: Thursday, August 6, 2020 3:14 PM
To: Brake, Alison
Subject: [EXTERNAL] Scott St. ADU

Agenda Item HPC-20-19
(317 Scott Street)
Public Hearing 8/6/2020

Hello HPC Commissioners,

Thank you for your service to our community. I am writing regarding the proposed accessory dwelling unit for 317 Scott Street. Please do not grant a certificate of appropriateness for the proposed garage and accessory structure at this address. The proposed structure would be taller than, and tower over, the original 1920's house.

If allowed, these types of structures could change the character of the Historic district.

I suggest that the HPC create a policy regarding the approval of garages and accessory buildings that dwarf the original historic structures. Thank you.

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

OBJECTION WITHDRAWN

Brake, Alison

From: Wayne Kraemer [REDACTED]
Sent: Thursday, September 3, 2020 11:45 AM
To: Planning Info
Subject: [EXTERNAL] Re: Certificate of Appropriateness 317 Scott Street

Good morning,
Previously, wrote a letter of opposition to the project at 317 Scott Street. After talking with the owner, I would like to withdraw my objection to the proposal.

Sincerely,
Wayne Kraemer
733 Belvin

On Thu, Aug 6, 2020 at 11:29 AM Wayne Kraemer <wlkrae@gmail.com> wrote:

Good morning,
I am writing in reference to the property request at 317 Scott Street. I am in opposition to the construction of anything that is higher than the existing roofline of the current home. Additionally a two-car garage will be a tight fit. It is on the alley, but as long as it maintains the same height as the existing garage, I would not oppose that construction considering how many cars appear to be attached to that property.

Additionally, information sent to residents within 400' is woefully and unduly vague. It was only after talking with other residents that I found out it was to be a two story structure. There needs to be more information presented in the letters in order for residents nearby to make an informed decision and not have to research to find the exact plan for the property.

Sincerely,
Wayne Kraemer
733 Belvin

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

IN FAVOR

Brake, Alison

From: tina simek [REDACTED]
Sent: Saturday, August 8, 2020 3:13 PM
To: Brake, Alison
Subject: [EXTERNAL] Certificate of Appropriateness 317 Scott

Follow Up Flag: Follow up
Flag Status: Flagged

Alison,

I am writing in reference to the property request at 317 Scott Street. I am in favor of the garage being constructed as designed and would like the Commissioners to vote in favor of this project. The Newman's need a garage and the design of the accessory dwelling is consistent with that of the house and should prove to be an improvement to their property as compared to the current shed.

Thank you,
Tina Pinjuv Simek
322 Scott Street
San Marcos TX 78666

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

Brake, Alison

From: Scott Boruff [REDACTED]
Sent: Sunday, August 9, 2020 10:46 AM
To: Brake, Alison
Subject: [EXTERNAL] 317 Scott Street - Certificate of Appropriateness

Follow Up Flag: Follow up
Flag Status: Flagged

My name is Scott Boruff and I have been the homeowner at 702 Belvin Street for 45 years. My property is immediately adjacent to the property (317 Scott Street) being reviewed for an improvement and upgrade in the form of a replacement garage for an old shed in the alley we share. We also share an eighty foot fence line with the subject property. Mr. Newman, the homeowner of the subject property, has shared his plans with me and they seem reasonable and complimentary to the existing home. Although virtually invisible from the main streets of Scott and Belvin, the new structure will certainly enhance the neighborhood that shares our alley, while also alleviating the parking issues we have along Scott and Belvin streets that are exacerbated by a current lack of parking for Mr. Newman. He has been a thoughtful and considerate neighbor.

I appreciate the city's notification and solicitation of input into the process. I am happy to support this project as submitted by Mr. Newman.

Scott Boruff
702 Belvin St
San Marcos, Texas 78666

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

Brake, Alison

From: [REDACTED]
Sent: Saturday, August 15, 2020 1:49 PM
To: Brake, Alison
Subject: [EXTERNAL] Certification of Appropriateness 317 Scott Street

Ms. Alison Brake, CNU-A

I am writing about the property request at 317 Scott Street. I am in favor of the garage being constructed as designed and would like the Commissioners to vote in favor of this project. I have personally reviewed the plans for the accessory dwelling. The Newman's need a garage and it will be consistent with that of the house and would be an improvement to the property as compared to the shed.

Thank you for your consideration.

Sincerely,

Rodney Unruh
429 Freeing Oak St.
San Marcos, TX 78666

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

Brake, Alison

From: [REDACTED]
Sent: Sunday, August 16, 2020 1:29 PM
To: Brake, Alison
Cc: [REDACTED]
Subject: [EXTERNAL] Property at 317 Scott St

Good Morning Alison

This is Robert Cotner as you know I lived on Scott St for 44 years the smallest and busiest street in San Marcos. I have known Ed Newman for over 38 years and he is one of most honest person I know. The addition he wishes to make is for his family's use and not for rental. He and his wife have 3 adult children and they need more living space. The fact that is also has a garage will get more cars off of Scott St and will be great. I have seen the drawings and that this garage and living quarters will fit with his home already there and with the other homes around this property .

Therefore I ask you and the Commissioners to approve his request.

Thank you Robert Cotner 512 392 5580

One more note

I wish thank each of your Commissioners for their time to make San Marcos a better place to live. I have been on many city commissions and I know the time it takes. rc

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

HPC-20-19- (317 Scott St)

Transcript of Item #2 from the September 24, 2020 Special Called Meeting of the Historic Preservation Commission

Commissioner Ryan Patrick Perkins (Chair): First up we have public hearing HPC-20-19, 317 Scott Street. Hold the public hearing and consider a request for a Certificate of Appropriateness by Edward Newman to allow the demolition of the detached garage located at the rear of the property along the alley and construct a two-car garage accessory dwelling unit in the same location on the property. This item calls for a public hearing, I will now open the public hearing. Can we please hear the staff report?

Alison Brake: Sure. Good evening commissioners, Alison Brake, Historic Preservation Officer and planner. This property is located between West Hutchinson Street and Burleson Street. It's in the Burleson historic district. The property itself is identified as a 1920 craftsman home. It was evaluated in the recent historic survey, my historic SMTX, and is a medium preservation priority. It's not listed on the national register of historic places and it's not a recorded Texas historic landmark. Medium preservation priority level means that these properties retain integrity where they could be considered significant or rare examples of a particular type or style, or they have significant associations with the community. The request applicant is looking for is to demolish the existing detached garage at the rear of the property. Here's a picture from our survey. Actually, this is a picture that the applicant sent in. The pictures from our survey have it painted a different color. The property there on the top of the screen is a view of the existing garage at the rear. The applicant states that the structure is in severe disrepair, it's not insurable, and it's not suitable to garage an average sized vehicle. The database that the historic resources survey states that it's, this particular structure is of historic age, that there is no date of construction listed in the survey. The applicant is looking to construct a two-story structure on this location. The first floor will be a garage with a space for two cars on the first floor. The second-floor will house roughly 598 sq. ft. accessory dwelling unit for the property owners, family, and guests. The San Marcos Development Code allows for accessory dwelling units as limited uses within single family zoning districts and they are subject to standards that are found within chapter 5 of the development code. The property owner will have to show that this accessory dwelling unit will meet these standards at the time of building permitting. The renderings here on the screen are also in your packet. They show that the second floor will be accessible from an external stair. The applicant is proposing a similar craftsman style using wood lap siding that is in the same width as the main structure. He is also proposing to paint the new structure the same colors as the main residence, and the roofing material will match that of the main residence, the same grey asphalt shingle. Staff finds request consistent with section C.1.2.4.10 of the historic design guidelines, which state that the garage location remains behind the face of the house and at the rear of the property. Section 1.2.4.1.11 of the historic design guideline state that to orient the garage doors away from the street. These new garage doors however will be, while they will be facing the street as you can see here, they will be in the same orientation as the existing ones are. Keeping this orientation does help to maintain the historic integrity of the site, which is consistent with section 4.5.2.1 or 2.1.i.1.e of the San Marcos development code. The historic design guidelines do not, does provide guidance on new construction, the new structure is taller than the main residence. Here are just some views from Scott St of the from the front of the property to the rear. The peak of the garage is 26 feet and the peak of the main residence is 21 feet. This is located at the base of a small hill and the

elevation change does help to soften the difference between the two building heights. The new structure is located at the rear of the property in the same location as the existing one and the view of the rear yard from Scott St is somewhat screened by landscaping and fencing on either side, as well as a large oak tree in the front yard as you can see here in these photos. By facing the alley, the visual continuity is retained and despite the height difference, it appears to meet the development standards for the size and location of the of the accessory structure. The floor height is larger than the main residence and those immediately adjacent to it, however again the elevation grade changes aids in softening this, it should not overpower the main residence. The roof form and line and window patterns are consistent and compatible with the main residence. The applicant is proposing a wood-lap siding that matches the main residence siding and width and profile which is consistent with historic design guidelines, as well as section 4.5.2.1.i.1.g of the San Marcos development code. The new unit will be similar in style to the main residence, should provide enough differentiation using door, window, and roofline details to make it distinguishable from the main house. Keeping the location and orientation in the same is consistent with the secretary of the interior standards for rehab numbers standards numbers 9 and 10. Standard number 9 states that new additions, exterior alterations, or related construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion and massing to protect the integrity of the property and its environment. Standard number 10 states that new additions and adjacent or related new construction will be undertaken in a manner that if removed in the future, the essential form and integrity of the historic property while it is public and its environment will be on would be unimpaired. The alley, while it is public right of way, is not traveled often by the general public and is mainly used by the residents of this particular area. All that being said, the applicant is willing to construct a structure that does include a lower pitched roof, and this would result in a one and a half height difference between what he had originally planned. So, this structure with a lower pitched roof would be 24 feet versus 26 feet tall. That would be three feet taller than the main structure versus five feet taller. Staff finds the request to demol—and I'll just go through real quick um some of the other renderings that they're not in the packet, but I did send those to the commission yesterday. Staff finds the request to demolish the existing detached garage located at the rear of the property, along the alley and construct a two-car garage, accessory dwelling unit in the same location meets the regulations of the San Marcos development code and is consistent with the historic design guidelines as well as the secretary of the interior standards and recommends approval as submitted. Staff did receive four letters in favor, one phone call in favor from the neighbor across the street. I did receive 8 responses in opposition, 7 were included in the packet and one was received after the packet went out but was also forwarded to the commission. And then I also received one objection withdrawn letter, again all of the responses that I received were all included or sent to the commission. And that concludes my presentation so I'll leave it to you guys now.

Commissioner Ryan Patrick Perkins (chair): Would the applicant like to make a presentation or a statement?

Alison Brake: Were gonna have to unmute you, yeah

Ed Newman (applicant): Thank you, thank you. I'd like to begin by thanking y'all for taking the time to consider this and obviously the time that you've provide on the committee its very valuable and I do

appreciate it. I'm available for any questions that you have about this. I feel like it's pretty self-explanatory and I hope I've provided adequate information so you can make a good decision.

Commissioner Ryan Patrick Perkins (chair): okay thank you very much. I would like to make a motion to deny

Commissioner Alex Arlinghaus: Public hearing

Sam Aguirre: Are there anymore, just to make sure, are there any other persons assigned wanting to speak?

Alison Brake: I believe Miss Coppoletta had signed up for for all the public hearings but I wanted to make sure that

Commissioner Ryan Patrick Perkins (chair): Miss Coppoletta are you still there?

Alison Brake: Did you want to speak during this public hearing? She does, yes. I hear you...

Lisa Marie Coppoletta: Good evening my name is Lisa Marie Coppoletta, I live at 1322 Belvin. That was not a presentation, he should have defended what he wanted to talk about if he was so passionate about this. I personally know that there's someone who withdrew their letter and they're opposed to it. So pretty much no ones opposed to it and if they've written a letter it's probably easier if it's written and put in their hands. Cause I've talked to the neighbors. I'm confused why the folks haven't gotten notification, and I wanna make sure in the future if there was some sort of problem with notification, and I don't know what that problem was, I have some insight but I don't wanna go into it, that that stops. because this is a neighborhood that deserves our attention with if if that means that city staff are driving around and looking at the stuff, the different houses, to make sure that we don't miss houses to get notification that needs to start to happen. He could sell this house to a third party and those could be party-hardy kids that li- that live there in the future. And that's its its gonna be a domino effect. Its gonna destroy the integrity of that neighborhood. The neighbors are overwhelmingly against it. And I think as exemplified by the letters you have received with the with the no- with the notice that they did receive, that shows you that they are strongly opposed to it. Now it may be consistent national standards but national standards do not account for the fact that this is this is a college town and that could be a place for those kids could party in the future disrupting the the peace and quiet of of the neighbors. And then finally I think it's very clear that the neighbors are opposed. I think that in the future that well I think he should not get another opportunity to speak because he's already had his opportunity. Thank you for your time and god bless San Marcos.

Commissioner Ryan Patrick Perkins (chair): Thank you miss cop—

Ed Newman: Am I allowed to speak again?

Sam Aguirre: If the chair, during the discussion they can ask you questions I believe

Commissioner Ryan Patrick Perkins (chair): Yeah so...

Sam Aguirre: It's at the discretion of the chair though

Commissioner Ryan Patrick Perkins (chair): Yeah, I think we'll wait until we get discussion on the matter and then we'll give you an opportunity, is that alright with you sir?

Ed Newman: Thank you

Commissioner Ryan Patrick Perkins (chair) : Okay is there anyone else signed up for the public hearing, Alison?

Alison Brake: Not that I know of, no.

Commissioner Ryan Patrick Perkins (chair): Okay... lets see... I think we need to close the public hearing is that correct?

Alison Brake: Yes

Commissioner Ryan Patrick Perkins (chair): Okay I will close the public hearing and I'd like to make a motion to deny on the basis that both the demolition and reconstruction have failed to meet the secretary of interior standards for rehabilitation, whether through the demolition or through the alterations of the new building. The project fails to meet the criteria specifically standards: 1,2,3,4,5,6,9 and 10. With further reference to demolition and the garage is a historic structure

Sam Aguirre: And Mr. chair let ... if we should if we could get a second then I think it can it can

Commissioner Ryan Patrick Perkins (chair) : Yeah yeah that's fine

Sam Aguirre: Then it can go into further discussion on your, the basis for your motion

Commissioner Ryan Patrick Perkins (chair): Is there a second to the motion to deny the project? Thea, I see your hand waving but I can't hear you

Commissioner Laura Kennedy: Ill second

Alison Brake: Okay

Commissioner Ryan Patrick Perkins (chair) : Thank you commissioner Kennedy and commissioner Dake, they both raised their hands. So as far as discussion on the matter I've got some some statements that id like to read just so you guys kinda have an understanding for where I'm coming for this. First of all I wanna apologize to the applicant and to the applicant that we'll be talking to later that its taken so long to get to this point but its taken this long because we do have legal requirements that we are bound to and for notification issues. Specifically, notification of your neighbors within a certain number of feet of your property. There also other standards that we are bound by as this commission and as a certified local government, those standards are for the preservation, restoration, rehabilitation and reconstruction which is you know reconstruction very seldom used and its discouraged but we are bound to guidelines that we need to apply to each application for certificate of appropriateness objectively and evenly. As a quasi-judicial body with vesting authority, we have guidelines and standards that we must uphold and apply to your application in order to make an objective basis for the decision for approval or denial or for an approval or denial of your proposed design made by this commission. With that said, there's still no guarantee of unanimous decision. But apart from preserving the integrity of the historic districts themselves, the process is based on an objective analysis of our ordinance, our guidelines, and our standards which are laid out by the secretary of interior standards set by the department of the interiors national park service. The principle goal of our ordinance, and this is coming directly from the design manual for the city of San Marcos on the website. The principle goal of our ordinance the commission and the CLG is, and I got our ordinance right here: the purpose is the design

the guidelines are a recommendation are intended to preserve and maintain the character of historic buildings in the city of San Marcos. They reinforce and protect the defining features of the historic structures and define those visual elements which are common to the district as well as the qualities unique to the community. This document, which I'm reading from, is designed to help preserve the integrity of the historic buildings and enhance the value of the historic districts for both a private investor, residents and owners and the community as a whole. When addressing changes to an individual building, it must not be taken out of context. Modifications effects a blo- modifications effect a block as a whole and should have the broad interest of the community in mind. The guidelines have no control over the use of the building or its interior, only the exterior portions which include: new construction, additions, and rehabilitation of buildings shall comply with the guidelines set forth in this document. These guidelines should be applied to a building, based on its original use and construction. For example, a residence may currently be used as an office therefore its considered a commercial business but its still viewed as a residential building. These guidelines will be used by the city of San Marcos to provide an objective basis for the decisions of the San Marcos' historic preservation commission and the city planning staff. The guidelines specifically address the issues as outlined in section 4.5.2.1 of code SMTX. Those include height, proportion of the building's front façade, proportion of openings within the facility, rhythms of solid to void in front facades, rhythms of space and in buildings on streets, rhythms of interest and or porch projections, relationship of materials and texture, roof shapes, walls of continuity and scale of building just to name a few. The garage is a historic structure from a period of significance of this property. The standards require any changes to the property to limit removal of buildings to those that are intrusive, out of character, and/or out of period. Otherwise, rehabilitation standards require minimal alterations to adapt to new use. Retention of character defining features, spaces and spatial relationships and historic materials. This project does not meet these standards. New construction that is predicated on demolition of historic resources is by definition inappropriate. The current structure fits the scale, the massing, design, roof pitches and/or other character defining features. The new building that is proposed does not. How are we mitigating the loss of a historic structure if the new structure doesn't meet the criteria? Is this appropriate under the circumstances based on the criteria? Standard 6 talks about deteriorated historic features will be repaired rather than being replaced. And demolition of of historic structures diminishes a historic resource in a district. The question before us is, can it be restored? If that building were in perfect condition today, would we take it down? Is there a justifiable reason, within our guidelines and standards, as to why this building has to go away, or can't be preserved in place and made useful? It's not about cars, there's nothing in the ordinance about conditions for too many vehicles or because someone didn't maintain the structure in order to park their car. Its not so far gone that it can't be rehabilitated, fixed, repaired, moved, or an addition added to the back or the side of the structure. So why can't it be restored or rehabilitated or repaired? There really isn't any justification in the national park standard, historic buildings should be used for historic purpose. Any time you change the use and function of a building, you're going to have physical changes that need to happen. Apart from condition, which we've heard in the staff report, and the quote unquote un-insurability because of the condition of the structure, falls on the on the applicant and the property owner. Their argument for demolition is for a new use and functionality that does not exist in our standards that we are required to objectively review. The standard we have to apply, and should apply equally in all of our decision-making processes is how can we justify the demolition when in this case, we'd never seen a demolition request that doesn't have some sort of structural engineer's report. and we only have two photos of the structure

itself. There's nothing that states that the condition of the building requires demolition, only an assertion from the applicant and from the staff. This structure can be restored and rehabilitated. To tell this group of preservation law enforcement individuals that a simple wooden structure can't be restored, is and pardon my phrasing here, but a bit preposterous. the threat of a new building is self-imposed. Its been poorly maintained. Which is in essence could be considered a case of demolition by neglect. Continued neglect has resulted in other issues, un-insurability being one, raised by the applicant as a justification of why they should be allowed to demolish it. Demolishing this structure is in essence treating certain period historic structures as disposable. It needs to be clear that we would be setting a precedent if we move forward. We look at every other sub-standard poorly maintained historic structure within the jurisdiction of all of our historic districts within the city of San Marcos. If we decide to allow this building to be demolished, it needs to be totally separate as to the justification for a new building. You can't presume that you can tear it down just because you have submitted plans for a replacement structure. It needs to be and this is kind of a separate topic here, but I feel like there needs to be a separation of hearings between a demolition and a certificate of appropriateness for new construction. It puts the commission, this historic preservation commission, in a position of being seen as a bad guy for following our guidelines and our standards set forth in our city code and our national secretary of interior standards. How do we guarantee, as a commission, that if we approve a demolition of this structure that we will that they will build back what the structure that they're proposing to build? Mixing these two separate issues together puts the commission in a position of making two decisions in one motion. If we don't separate the demolition from the construction, we can't enforce the construction. We can't stop them from tearing down and not following through with the building permit to replace it, if that's the plan. And I'm not saying that that's not your plan, but this is something for uh the commission to consider as a whole. There are other cities that do not approve a demolition without a contingency plan for replacement of a building. the permit can't be issued until plans for the replacement have been approved. So approval of a demolition of this historic structure sends a message that demolition by neglect is ok. A historic house with a historic with a historically appropriate outhouse or building is a higher priority resource than a non-historic structure. We need to be consistent. If you have historic contributions or historically contributing outbuilding or structure, its not that you can't make modifications to it, but you can't tear it down or say that you're gonna save it and then make it bigger or more ornate than the current structure is now. That's not a standard. its not personal, its our job to look at this as a case by case basis and based upon the standards that we have. And based upon those standards, my decision for recommending approval or denial of the hearing before us is that its not appropriate. Its not about will the new structure be more beautiful than the old structure, or more functional for the applicant, it's about our standards that we are objectively supposed to abide by and by the precedent that it could set. So based upon that those are kinda my feelings on my motion for denial. And with that I will go down the role and let commissioner Dake give her reasons for seconding and commissioner Kennedy whichever's available for discussion. And we'll go down the we'll go down the list of commissioners. So commissioner Dake is your audio working? Okay we still can't hear you so I'm gonna move on to commissioner Kennedy

Commissioner Laura Kennedy: I don't have a lot to add to what you've already said. I think you've made most of the points and much more points than I would've made. I just feel that the main thing is that your wanting to tear down a historic structure and replace it with something that is historically not accurate so that is my biggest concern with the request.

Commissioner Ryan Patrick Perkins (chair): Commissioner Arlinghaus?

Commissioner Alex Arlinghaus: I don't have much to add either if we were just discussing an accessory dwelling unit I would be supportive of this project considering all the work that's gone into trying to match and make it consistent with the original structure, but since there is the layer of demolition of a historic resource on top of this I don't, I will support the motion of denial.

Commissioner Ryan Patrick Perkins (chair): Commissioner Meyer?

Commissioner Cindy Meyer: I also support do not support this structure. I think it would not fit well within the neighborhood. And we have a little garage there that does have some historic significance and I think just tearing it down would be a shame. So I vote for denial

Commissioner Ryan Patrick Perkins (chair): Commissioner holder?

Commissioner Bob Holder: Well I was I was agressed by the argument that there needs to be a separation between the two possibilities. The first one being should the structure that exists now be considered for a demolition, and I'm not sure about that. And so I'm leaning towards not approving the request.

Commissioner Ryan Patrick Perkins (chair): Commissioner Dake were you able to get your audio working? I don't wanna You're here with us and I don't wanna discount your... Sam do you have a suggestion should we, or Alison, should we take a quick recess before we move forward.

Sam Aguirre: I think we need to give because it's a technology issue and I wanna make sure every commissioner has the chance to speak so if you've gone the full through all of them and we have one waiting, we'll need to wait until they can get on. Now if they call Alison and say its impossible then you can move forward but we should give them a few minutes and we can take a recess if necessary.

Commissioner Ryan Patrick Perkins (chair) : Ok commissioner Dake, would you be okay if we took a recess to allow you to reset? Okay I have 6:23 on my clock let's be back here at 6:30 on the dot for us to try to restart this public hearing and we will consider ourselves in a recess

** Recess **

Commissioner Ryan Patrick Perkins (chair) : We are back from our recess on our public hearing on Scott St and we were going down the list of commissioners for a comment on a motion for denial and we are waiting to hear from commissioner Dake.

Commissioner Thea Dake (vice chair) : okay I really wanna thank you Ryan for the work that you did in researching all of this because it was right on. I would disagree with one of the commissioners in the fact that I think even if this didn't have the difficulty with the demolition I still think there's a problem with the design that Mr. Newman wanted to do because of it being so much higher than the original the house structure itself and its obvious that even if his in his willingness which I do appreciate, but it still would make a height difference and I hate setting these precedence's in as a commission its obvious that more of these kinds of things are going to come before us over and over again I understand if I think he has a need for a garage I think that that building could be rehabilitated to accomodate at least the one car. Certainly having an additional structure would add more traffic on the alleyway which is already an issue, but I just think we have to consider everything. I do agree that we, in the future, if we have

anything akin to this that we need to separate those two issues and make sure that there's an understanding about each one and how we feel about it and how we might work with it. So I'm also going to vote against this I really I know this is very difficult and it's obvious Mr. Newman has worked very hard to in his designing this working with this and his desire for it but and it isn't personal for us as a commission but if we are going to do our due diligence as a commission we've gotta tighten up and have knowledge about why were doing things and we've gotta allow the public to know this is why were doing it and were not just making these up and pulling things out from clouds that this we are really being guided by many regulations and that we are supposed to be following. So I will also have to cast a no on this request.

Commissioner Ryan Patrick Perkins (chair) : Thank you commissioner Dake. I think the point were trying to get across here is the intention is to preserve, that there are options and there are options in this case and unfortunately were dealing with two issues at once but in the way that I see this, we cant discuss one of the issues until we get past the first one and I cant see any way forward based upon the standards that we are upheld to that we are here to uphold. So I don't just wanna call roll without giving the applicant an opportunity to weigh in again, Mr. Newman I'd echo the statements, excuse me, of my colleagues on the commission and hope that you understand some of what I laid out in my opening remarks on why I had voted to deny this. I look forward to working with you and everyone in the historic district on their accessory dwelling structures I just wanna make sure that we are upholding our standards as a certified local government and as a historic preservation commission. Go ahead sir.

Amanda Hernandez: Well it looks like he lost his audio connection. I'm trying to ask him to unmute on the device that I can see. Mr. Newman we cannot hear you

Commissioner Ryan Patrick Perkins (chair) : Hold on one second

Amanda Hernandez: He has one audio connection and I'm asking him to unmute. Something, we had some sort of disconnect I think during our break with his audio. Oh there we go, did we get him? There we go! Yes

Ed Newman: The first three times that we did that a notice came out to allow me to unmute and then Amanda, when you started doing it actually started talking to me, telling me to press star 6 but I couldn't get it to that screen. So strange, I know. Welcome to zoom, right? I guess what I would like to say is that obviously first and foremost thank you. You know, I appreciate that yall take your positions very seriously and it's needed and I understand that completely. There was a comment made and it was made in the public forum and I think it was made later by one of the commissioners that my neighbors don't want this, right? And I would dare to say that when I then initially proposed this I went to my neighbors and expressed to them what I hoped to do I am just like probably many of you, I have three kids and you know I'd like to have them to have a place to stay when they come see me. We've lived here now for four years, we bought the house in '16, we've gone through extensive renovation. It was scary in this house when we first purchased it and we've invested significantly in it. We want to make this the house that we ya know grow old in, and that's what our hope is. And without having a place to have your kids come back home, it's difficult, right? So there lies one of the issues. The second issue is that obviously I'd like to get our vehicles off the street, some of you may have heard this, I don't know, maybe you haven't but myself and my family were threatened by a neighbor. We were told they were gonna kill us, kill our whole family, you know this sort of thing, this sort of nonsense. So this delay that's occurred for three or four months has been very difficult for us. So with that said the hope would be that we could build a

garage to put our cars in so we can get them off the street and then secondly to have somewhere that our family could come home to. I understand that there is a concern in the neighborhood and I agree with it completely is to create rental income facilities. That was not our intention and no way would it ever be. So that kind of outlines you know some of those concerns. With regards to the neighbors not agreeing with it, my neighbor next door was actually on the commission, he submitted a letter in protest to this building of this after we had spoke about it and he said that he was fine with it. And I went back to him and we talked and he explained that he was concerned about height of the structure. And I did a little bit more research to find out that there is an ordinance in San Marcos that it needs to be at 24 feet, okay. And that's completely understandable and so what we did is we tried to come to a compromise to bring the pitch down to 4/12 which met that need and he said that as long as I do build it at 4/12 he would greatly support it. And he was obviously a prior chair of this commission in the past, and you've seen his letter. I talked to my other neighbor to the south and he actually wrote a letter in support. And then my two neighbors across the street, one had to call in cuz he doesn't have email, but he did call in his support, and my other neighbor sent a letter of support. So those that would be most directly impacted by the structure are in support of the structure, and I think that's important for everyone on the commission to understand. I take this very seriously, I would want this to look appropriate in the neighborhood and I would certainly want my neighbors to be proud of what they see. And the fact that obviously I've now lived here for four years, I have no intention of leaving any time soon so I think that's important to share with you. Regarding the structure that's currently there, my occupation is actually safety and risk management, it's a dangerous structure. It was not designed based on any building code whatsoever, it looks like someone built it ya know in their spare time with spare materials. I would welcome any of you as my neighbors to come over and take a look at it, its dangerous. It's a dangerous structure. And it could collapse quite frankly at any time, so that's going to have to be addressed if not tonight then some time in the future. And Mr. Perkins I do appreciate you saying you know provide more information on that so you can understand it and see it yourself. But with that said, I mean obviously I'd love for each of you to reconsider based on some of the things I have shared with you. I'm certainly open to other compromise if that might be a possibility. I very much wanna be a good neighbor to each of you so I do ask that you consider that.

Commissioner Ryan Patrick Perkins (chair) : Okay thank you Mr. Newman for your comments. I will ask the commissioners if there is any further comment before we call the role.

Commissioner Thea Dake (vice chair) : Is there, what is, do we have any suggestions about how we could go about if we were to separate these two things work on the if there is any way to actually rehabilitate the structure or if in fact it would be appropriate because of its safety issues that it goes into demolition by delay and then and take that up as a separate

Sam Aguirre: This is not a, this is not a posted hearing regarding demolition by neglect or anything else. This is a request for an alteration of an existing structure and replacement with a new one. So I think that's a separate meeting all together

Commissioner Ryan Patrick Perkins (chair) : I think Sam summed up my response, Thea and as far as moving forward with another portion of this I would encourage Mr. Newman to continue to work with staff or even a third party to review our design guidelines and the secretary of interior standards to make sure that whatever does come back before the commission meets those qualifications as laid out in our ordinance and standards that we have before us. Its not this commissions responsibility or job to

help the applicant design from this dias but it is our responsibility to maintain the historic the integrity of our historic districts and historic structures within the city of San Marcos based upon our design guidelines and the secretary of interior standard codes. I will say no other comment from the commission I will ask of Alison to please call a role.

Alison Brake: Okay so this is for a motion for denial, so any yeses? Right so this is for denial, sometimes people get that confused. Commissioner Holder.

Commissioner Bob Holder: I vote yes for denial

Alison Brake: Commissioner Arlinghaus?

Commissioner Alex Arlinghaus: Abstain

Alison Brake: Did you say abstain or the same?

Commissioner Alex Arlinghaus: Abstain

Alison Brake: okay that's what I thought. Commissioner Perkins?

Commissioner Ryan Patrick Perkins (chair) : Yes

Alison Brake: Commissioner Meyer?

Commissioner Cindy Meyer: Yes

Alison Brake: Commissioner Kennedy?

Commissioner Laura Kennedy: Yes

Alison Brake: And commissioner Dake?

Commissioner Thea Dake (vice chair): Yes

Alison Brake: Motion for denial is approved.

These meeting proceedings may be viewed on the City's Website at:

<http://sanmarcostx.gov/2861/Historic-Preservation-Commission-VideosA>

certificate of appropriateness after consideration of the request during the public hearing.

3. If the Historic Preservation Commission determines that a certificate of appropriateness should not be issued, or should be issued subject to conditions, it shall place upon its records the reasons for its determination.
4. The Historic Preservation Commission shall render its decision on the request within forty-five (45) days of the date the application is deemed complete and adequate for review, subject to the supplemental options available under Section 2.5.5.3(c).

Section 2.5.5.4 Criteria for Approval

The following criteria shall be used to determine whether the application for a certificate of appropriateness shall be approved, conditionally approved or denied:

- A. Consideration of the effect of the activity on historical, architectural or cultural character of the Historic District or Historic Landmark;
- B. For Historic Districts, compliance with the Historic District regulations;
- C. Whether the property owner would suffer extreme hardship, not including loss of profit, unless the certificate of appropriateness is issued; and
- D. The construction and repair standards and guidelines cited in Section 4.5.2.1.

Section 2.5.5.5 Appeals

- A. **General Procedure.** An applicant or other interested person within the four-hundred foot (400') personal notification area may appeal a final decision of the Historic Preservation Commission on an application for a certificate of appropriateness to the Zoning Board of Adjustments within ten days of the Historic Preservation Commission's action on the application. The Zoning Board of Adjustments shall decide the appeal in accordance with Section 2.8.1.1.
- B. **Supplemental Procedure.** In considering the appeal, the Zoning Board of Adjustments shall:

1. Review the record of the proceeding from which an appeal is sought;
2. Receive an overview of the case from the Responsible Official, including previous recommendations from city staff and the decision of the Historic Preservation Commission;
3. Hear arguments from the party appealing the decision of the Historic Preservation Commission; and
4. Remand the matter back to the Historic Preservation Commission when relevant testimony and newly-acquired evidence is presented that was not previously presented at the time of the hearing before the Historic Preservation Commission.

C. Criteria on Appeal.

1. The Zoning Board of Adjustments shall apply the substantial evidence test as established under Texas law to the decision of the Historic Preservation Commission;
2. The burden of proof before the Zoning Board of Adjustments shall be on the appealing party, who must establish that the record reflects the lack of substantial evidence in support of the decision of the Historic Preservation Commission;
3. The Zoning Board of Adjustments may not substitute its judgment for the judgment of the Historic Preservation Commission on the weight of the evidence on issues committed to the Planning and Zoning Commission's discretion.

Section 2.5.5.6 Expiration and Extension

- A. **Time of Expiration.** A certificate of appropriateness shall expire one year from the date it is issued if the proposed activity has not commenced, or two years from the date the certificate is issued, if the proposed activity has not been completed.
- B. **Extension.** A certificate of appropriateness may be extended by the Historic Preservation Commission for a period not to exceed one year from the date required for commencement and two years from the date required for completion of the activity authorized by the certificate.